



Nevada Supreme Court Access to Justice Commission

November 21, 2017 2:00 PM – 4:00 PM

Video Conference Sites:

<u>Las Vegas</u>	<u>Carson City</u>	<u>Reno</u>
NV Supreme Court Conf. Room A & B	NV Supreme Court Law Library, Room 107	2nd Judicial District Ct. 75 Court Street – Room 214
	<u>Elko</u>	
	4th Judicial District Court Department 2 Jury Room	

Teleconference: Dial In: 877.594.8353 / Participant Code: 356-882-81

Meeting Agenda

- I. Opening Statements from Co-Chairs & Commission Roll Call** **5 minutes**
- II. Consent Agenda** **5 minutes** **Tab 1**
 - Approval of March 24, 2017 ATJ Commission Meeting Minutes
 - Approval of May 23, 2017 IOLTA Rate Review
 - Approval of October 23, 2017 IOLTA Rate Review (Rate Review Adoption)
- III. Melanie Kushnir Fellowship Final Project Presentation** **10 minutes** **Tab 2**
 - Matthew Cook on Google AdWords
- IV. Discussion Items** **Tab 3**
 - **2017-2018 Nevada Civil Legal Needs Assessment** **30 minutes**
 - Update – Ken Smith, The Resource for Great Programs
 - **ATJ Commission Membership/Expansion Update** **20 minutes**
 - Expansion Subcommittee Meeting and Possible Membership Rule Change Consideration
 - **Policies to Support and Improve Access to Justice** **30 minutes**
 - Preapproval or Reimbursement of Expenses for Pro Bono Counsel
 - Electronic Filing by Non-Lawyers (8th Judicial)
 - Judge Harter Rule Petition to Permit Licensed Judicial Clerks to Perform Pro Bono
- V. Programming Reports** **15 minutes** **Tab 4**
 - Appellate Law Pro Bono Program – Prof. Anne Traum
 - Rural Concerns/Website/Forms Project – Hon. Nathan Tod Young
 - Public Lawyers Partnership/AG Military Pro Bono Program – Judge Frank Sullivan

VI. Other Business



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VII. Informational Items

Tab 5

- Legal Aid Provider Highlights
 - Legal Aid Center of Southern Nevada
 - Nevada Legal Services
 - Southern Nevada Senior Law Program
 - VARN - Julie Mogensen
 - Washoe Legal Services
- Self-Help Center Statistics
- ONE Campaign Meeting Recap April 28, 2017
- IOLTA Subcommittee Meeting Recaps September 14, 2017 & October 31, 2017
- ONE Ambassador Program Best Practices
- Monthly IOLTA Summary
- 10/1 Las Vegas Shooting Incident
- Celebrate Pro Bono 2017 Highlights
- Public Awareness Initiatives

2018 Access to Justice Commission Meetings (All meetings 2:00 p.m. – 4:00 p.m.)

- Friday, March 9
- Friday, June 8
- Friday, November 9



Nevada Supreme Court Access to Justice Commission

Minutes

Friday, March 24, 2017 10:00 am – 11:30 am

Meeting Sites: State Bar of Nevada Offices: Las Vegas (3100 W. Charleston, Blvd., Las Vegas) and Reno (9456 Double R. Blvd., Reno)

Commission Members in Attendance

Justice Michael Douglas
Justice James Hardesty
Julie Mogensen
John Desmond
Judge Patrick Flanagan
James Conway
AnnaMarie Johnson
Noah Malgeri
Julie Cavanaugh-Bill
Anne Traum
Sugar Vogel
Connie Akridge
Jeremy Reichenberg
Judge Joanna Kishner
Judge Tod Young

Attending Guests

Andy Mierins
Emily Reed
Max Couvillier
Bill Curran
Barbara Buckley
Wynn Tashman
Nikki Harris
Summer Youngquist
Shelly Young
Elana Graham
Stephanie McDonald
Patricia Lee
Kimberly Farmer

Staff Members Present

Angela Washington

Call to Order/Roll Call

The Access to Justice Commission meeting was called to order at 10:04 am by Justice Douglas and a roll call was conducted thereafter. Justice Douglas provided opening remarks and then moved into the agenda.



Nevada Supreme Court Access to Justice Commission

Minutes

Consent Agenda

The consent agenda included the approval of the November 4, 2016 Access to Justice Commission Meeting minutes. Following a review of the minutes, it was moved and seconded that the meeting minutes be approved. A vote was conducted and the matter passed unanimously.

Discussion Items

Youth LGBT Presentation. Wynn Tashman, J.D. Candidate at William S. Boyd School of Law and Doctoral Student of Educational Psychology at UNLV presented his Kushnir Fellowship proposal to the Access to Justice Commission. The proposal was centered on programs to address homelessness of LGBT youth in southern Nevada. Within his presentation, Mr. Tashman highlighted a few very important statistics from the 2017 Williams Report: 1,724 people ages 18-24 are transgender; 13.4% of youth identify as LGBT; and 40% of LGBT youth are homeless. Mr. Tashman's proposal highlighted services that would directly address survival issues of youth that have these problems, including self-help services, pro bono services; education and legislation. After discussion about partnership opportunities, it was suggested that Mr. Tashman connect with the LGBT Section of the State Bar of Nevada and provide input to anticipated amicus briefs on LGBT issues.

Access to Justice Commission Vacancies. The Commission discussed the three current vacancies on the Commission and suggestions for filling those seats. Judge Tammy Riggs was nominated by the Nevada Limited Jurisdiction Judges Association to fill the Limited Jurisdiction Judge vacancy. After discussion, it was moved and seconded that Judge Tammy Riggs be named as the Limited Jurisdiction Judge representative. A vote was conducted and the matter passed unanimously. Bob Fulkerson, of PLAN, Terry Johnson of the Nevada Gaming Control Board and Randy Reinoso were all named as suggestions for current vacancies. Members of the Commission will reach out to each to determine whether the suggested persons are interested in serving on the Access to Justice Commission.

Additionally, the Commission discussed the expansion of the Access to Justice Commission membership. The body discussed including other representatives from State Bar Sections, including, but not limited to the Family Law Section, the Gaming Law section, Bankruptcy Law Section, Appellate Law Section and the Trial Lawyers. Also, the Commission discussed including representatives from other professional industries including the social services industry, the business industry and the banking/gaming industry. A subcommittee was established to look further into the Commission expansion; the subcommittee includes Julie Cavanaugh-Bill, James Conway, Connie Akridge and Noah Malgeri.

2017 Legal Needs Assessment. The Commission reviewed the legal needs assessment proposal from *The Resource for Great Programs* which led to discussion about:

1. How the assessment will be conducted;
2. Whether and how the legal services providers will use the assessment findings;
3. Whether elements of the proposal can be amended to include Nevada specific data;
4. Additional demographic data for the study;
5. How the surveying will take place; and
6. Where the study's respondents will be found.

It was decided that a subcommittee would be assembled to meet with Dr. Ken Smith of *The Resource for Great Programs* to answer questions and finalize details so that a revised proposal can be presented to the Commission at the June meeting.

Retreat Topics and Discussion



Nevada Supreme Court Access to Justice Commission

Minutes

Following lunch, attendees discussed various state and national access to justice issues including:

- A. Pro Bono Updates from the legal services organizations;
- B. Programming reports from:
 - 1. UNLV William S. Boyd School of Law
 - 2. The Appellate Law Pro Bono Program – Prof. Anne Traum noted that the program could handle more cases at this time. It was suggested that she advise the Appellate Judge Silver and the rural court judges of availability.
 - 3. Rural Concerns/Website/Statewide Forms Project – Judge Tod Young noted that a number of forms have been completed and disseminated to judges in all districts except the 2nd and the 8th. A second round of contact has been made to the judges seeking comment.
- C. Guardianship/ Funding
- D. Nevada Bar Foundation Funding/IOLTA – Connie Akridge shared what the Nevada Bar Foundation’s focuses have been, including fundraising in the legal community.

Lastly, the group discussed funding for legal aid services and potential shortfalls. Justice Hardesty noted that he and Justice Douglas would assemble a subcommittee to address potential reductions or losses so that a plan can be put in place to address those issues.



Nevada Supreme Court Access to Justice Commission



Meeting Agenda

IOLTA Rate Review Meeting

Draft Minutes

Tuesday, May 23, 2017

Members Present

Justice James Hardesty
Julie Mogensen
James Conway
AnnaMarie Johnson
Noah Malgeri
Sugar Vogel
Connie Akridge
Jeremy Reichenberg
Judge Joanna Kishner

Guests Present

Kim Farmer
Barbara Buckley

Staff Present

Angela Washington

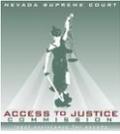
Justice Hardesty called the meeting to order at 3:34 pm.

The meeting materials were reviewed with the attendees. Materials included comments from participating financial institutions, current economic conditions, a sampling of comparable rates on local bank products, a consideration of IOLTA offerings elsewhere and an interest rate and IOLTA remittance impact scenario.

Particular attention was given to the feedback letter from Phyllis Gurgevich, President/CEO of the Nevada Bankers Association. The letter outlined several items of concern pertaining to the Nevada IOLTA Program, including:

1. The IOLTA rate and its comparability to other rates around the country;
2. CRA credit for the IOLTA Program and how participating financial institutions do not qualify for the CRA credit;
3. The hardship of a flat rate on participating financial institutions;
4. The increased burden of cost to small, local state chartered banks;
5. The hesitancy of participating financial institutions to continue the program or open new accounts due to the high cost as compared to all other states where they operate; and
6. Little recognition of participating financial institutions for their contribution.

Of the thirty members of the Nevada Bankers Association, eighteen are Nevada IOLTA Program participating financial institutions. It was determined that the Access to Justice Commission and the Nevada Bar Foundation would research tiered programming, the history of the Nevada IOLTA program's interest rates, CRA availability, and what Nevada is doing collectively to bring attention to the banks. Additionally, a subcommittee was established to assemble information and to work closely with the



Nevada Supreme Court Access to Justice Commission



Meeting Agenda

Nevada Bankers Association to discuss their concerns further. The subcommittee members are: Justice Hardesty, Justice Douglas, James Conway, Connie Akridge, Barbara Buckley, Kim Farmer, and Lisa Dreitzer. Also, the subcommittee will have an additional Nevada Bar Foundation officer as a member. Additionally, a response letter from Justice Hardesty and Justice Douglas will be drafted, sent to the subcommittee for review and then sent to the Nevada Bankers Association prior to the subcommittee's meeting with the Association.

After discussion, it was moved and seconded that the current IOLTA interest rate of 0.70% be maintained. A vote was conducted and the motion passed unanimously.

The meeting was adjourned at 4:24 pm.



ACCESS TO JUSTICE COMMISSION

IOLTA Rate Review Meeting Recap - Draft
Monday, October 23, 2017 – 3:00 p.m.

Present

Justice Michael Douglas
Justice James Hardesty
Barbara Buckley
John Desmond
Noah Malgeri
Adam Tully

Staff Present

Kim Farmer
Brad Lewis

The meeting was called to order at 3:02 p.m.

The meeting materials were reviewed, including: IOLTA interest rate review process, financial institution comments, economic condition updates, sampling of comparable rates on local bank products, IOLTA offerings elsewhere and an interest rate and IOLTA remittance impact scenario.

Justice Hardesty shared that the legal aid providers met and affirmed the distribution formula. He also asked for details on the anticipated \$2.4 million 2017 IOLTA grant amount to legal aid providers, expecting that it may be larger. Kim Farmer noted that the estimate was based on July Monthly IOLTA Update, this is a conservative estimate.

Kim Farmer also stated that the legal aid provider offered formula was .07% short of 100% and that the Nevada Bar Foundation would include that slightly increased amount in any final grants awarded. She also noted that the Nevada Bar Foundation meets before the Access to Justice Commission so any change would need to be determined prior.

Justice Hardesty told the group that at the financial institution IOLTA meeting on September 14, 2017, he suggested it was unlikely that the IOLTA rate would be reduced or increased at the next meeting, and that the Nevada IOLTA rate would likely remain at .70%.

Justice Douglas inquired as to the agenda for the IOLTA Subcommittee that meets next week. It was shared that key items included: CRA information obtained via the Nevada Bankers Association, other state IOLTA program tiered interest rate programs, and financial institution recognition.

Justice Hardesty asked for a motion to retain the current Nevada IOLTA interest rate at .70%. The motion was seconded and carried with no “nay” votes nor abstentions.

The meeting was adjourned at 3:22 p.m.

Executive Summary

I. Introduction

Legal Aid Center of Southern Nevada is dedicated to “righting wrongs [and] changing lives.” The Google Adwords campaign gives Legal Aid Center the opportunity to reach a wide audience and increase access to justice. This may remove a giant hurdle where potential clients are unaware about free legal services that can save their homes, reunite them with their children, or protect them from an abusive relationship. Generating awareness is the greatest strength that Adwords has to offer. Legal Aid’s advertisements appear in internet searches that it never would have before and competes with other law firms. Legal Aid’s advertisements can reach Nevada’s 2.9 million residents.

II. Funding

I acquired a \$120,000 per year Google Adwords Grant to fund the project. This is sustainable for the foreseeable future. Legal Aid Center only needs to comply with Google’s advertising standards and make slight changes to the Adwords program at least once a month. We can spend \$10,000 per month and we have a budget capped at \$329.00 per day. With this budget we can generate about 340 to 360 interactions with our advertisements per day. And our advertisements can appear on around 4,000 devices per day.

III. Project Outcome

A. All Campaigns

The project still has limitless promise. Our advertisements appeared on 216,535 personal computers, smartphones, and tablets all across Nevada. This is based on about 3 months of data. The 216,535 impressions represents the amount of brand awareness that we have created. This is the number of times an advertisement appeared above the fold, the visible portion of a viewer’s device. Increasing awareness was the goal of this project, which was achieved. 11,602 viewers interacted with my advertisements, which is 5.26% of those reached. It is above average as well (2-3% interaction rate is average). We spent \$16,138.88 of our grant so far. Overall, we had 163 individuals call our 3 locations using a mobile device. Our cost for these conversions was \$99.01 each. Currently, we have 1,373 adgroups, 2,047 advertisements, and 50,465 keywords.

B. Legal Aid Center Campaign

The Legal Aid Center Campaign’s advertisements had 1,582 interactions, appeared on 44,037 devices, had an average position of 2.5 in searches, 28 phone calls, and cost \$2,279.10. These advertisements appeared around Las Vegas, North Las Vegas, Boulder City, Henderson, and Summerlin areas. I set the budget at \$56 per day. The Legal Aid Center website still needs an update to include keywords that align with our advertisements and the Adwords keywords. This may increase the amount of times that our advertisements appear, which leads to interactions.

I did not foresee the challenges with the highly competitive legal market. We are limited by our \$2 keyword bid price. Other advertisers do not have a limit and they will sometimes bid up to \$80 for a single keyword. I had to rethink my strategy by focusing on the other websites,

lowering my bids, and researching new ways to use the keywords. The most popular ad groups were legal aid itself, free Las Vegas lawyers, social security, torrents, and citizenship/immigration.

i. Spanish Advertisement Campaign

The Spanish Advertisement Campaign advertisements had 283 interactions, appeared on 6,420 devices, had an average position of 1.7, had 3 phone calls, and cost \$353.72. These advertisements appeared around Las Vegas, North Las Vegas, Boulder City, Henderson, and Summerlin areas. I set the budget at \$15 per day. The most popular topics are free attorney, deportation, the law, movie torrent, divorce, and immigration.

ii. Donation Campaign

The Donation Campaign advertisements had 8 interactions, appeared on 660 devices, had an average position of 3.2, and cost \$14.62. These ads target all of Nevada and the budget is \$4 a day. I did not focus on these advertisements. The clients were more important and the website is not optimized for donations yet. There should be a Donation landing page on the Legal Aid Center Website that describes what donations go towards, but there is not. This campaign also needs more advertisements.

C. The Civil Law Self-Help Center

The Civil Law Self-Help Center was the best performing campaign and could easily max out the budget during the weekdays. The Civil Law Self-Help Center Campaign's advertisements had 5,705 interactions, appeared on 106,858 devices, had an average position of 1.7, and cost \$8,577.40. This campaign targeted all of Nevada and the budget is \$136 per day. This campaign is for users in the information search phase. The most popular topics were Nevada law, Civil Court, landlord/tenant, small claims, harassment, eviction, and unemployment.

D. The Family Law Self-Help Center Campaign

The Family Law Self-Help Center Campaign had 4,005 interactions, appeared on 58,098 devices, and cost \$4,882.17. This campaign targets Nevada and the budget is \$110 per day. This campaign is for users in the information search phase. The most popular topics were the Family Law Self-Help Center itself, child support, Family Court law and rules, cases, court help, child custody forms, divorce paperwork, adoption law, name change, mediation, COPE class, guardianship, termination of parental rights, out of state custody, and father's rights.

E. Pro Bono Website Campaign

The Pro Bono Website Campaign had 15 interactions, appeared on 244 devices, had an average position of 2.4, and cost \$21.99. I set the budget at \$4 per day. We did not get many views or interactions for the Pro Bono Website because of the dual meaning for the term "pro bono." I believe that this program has more potential for generating awareness for clients compared to volunteerism.

F. Conclusion

Google Adwords is an invaluable advertising platform that has vast potential to assist the community and increase access to justice.



Melanie Kushnir Access to Justice Fellowship

Pro Bono Project at Legal Aid Center of Southern Nevada

2018 Fellowship Timeline

- **October 31, 2017** Fellowship Announcement
- **October 31, 2017** Information Session at William S. Boyd School of Law for interested students
- **October -January** Proposal Development – Community Project
Advisors are available to assist applicants
- **January 19, 2018** Final Day to Submit a Proposal
- **January 22 - February 9** Committee review
- **February 12 – 15** Proposal Presentations
- **February 16** Fellowship awarded

1. A Winning Proposal

Top proposals will include new ideas to improve access to justice in civil law in Southern Nevada or to increase pro bono participation in the valley. Ideas can include identifying barriers to access to justice and ways to eliminate them and/or targeted initiatives to involve more volunteer attorneys in pro bono activities. A complete application will include a cover letter, resume, and a narrative explaining how your idea will improve access to justice and how it will be implemented. Your narrative should not be more than 5 single spaced, numbered pages. Brevity is preferred, so if you can describe your project in less than 5 pages, please feel free to do so! The narrative should include:

- An overview;
- A program description including project purpose, project's target population, documented community need for the project, specific impact of this project, steps required before implementation, hurdles to implementation, whether the concept has been tried in any communities, timeline, and budget (if any costs are involved other than the time spent planning/implementing the proposal.); and
- Conclusion

Proposals should be sent to careers@lacsnc.org

2. Selection Criteria:

A winning proposal presents an idea that is likely to either:

- a) Lead to an increase in pro bono participation
- b) Identify a barrier to access to justice and a way to eliminate the barrier

3. Can the idea have been tried before, either in the State or country?

Yes. The idea may be new or it can be a previously considered idea with a new implementation proposal. It may have been tried before somewhere in the country.

4. Is there anyone I can speak to about my idea and if it might work?

Yes! As long as you do not speak to anyone on the Selection Committee (ask first if they are on it), you may speak to anyone you wish about your idea. There is no such thing as a ban on communication with this Fellowship! We have project advisors available to speak to you:

Kimberly Abbott, Former Pro Bono Director, Legal Aid Center of Southern Nevada,
kabbott@lacsnsn.org; 702-386-1470

Ogonna Brown, 2015 Pro Bono Attorney of the Year, OBrown@nevadafirm.com,
702-791-0308

5. When does the Fellowship begin/end and how much does it pay?

- The Fellowship begins on May 21, 2018 through August 17, 2018. Dates are negotiable. If there is an issue regarding the dates, highlight it in your presentation.
- The Fellowship stipend is \$10,000.
- The stipend will come in installments on the 1st and 15th of the month during the summer portion of the fellowship.

Melanie Kushnir Access to Justice Fellowship



About Melanie and the Fellowship that Honors Her Memory

The Melanie Kushnir Access to Justice Fellowship was created in honor of Melanie Kushnir, who dedicated her life to inspiring pro bono attorneys, law students, bar leaders, the judiciary, the community, and co-workers to donate their time, knowledge, and experience to those in need. She believed that those who face domestic violence, child abuse, elder abuse, consumer fraud or other civil legal challenges can have their lives forever changed for the better with an attorney who will stand and fight for their rights -- and that they deserve nothing less.

Melanie's career in law reflected her passionate commitment to access to justice for the poor, middle class and underserved. Her enthusiasm, intelligence, resourcefulness and warmth won over legions of new volunteer attorneys for the Pro Bono Project at Legal Aid Center of Southern Nevada and increased participation by nearly 35 percent over her five years with us. From the start of her legal training, Melanie demonstrated a singular focus on pro bono work. Prior to graduating from Ohio State University Moritz College of Law, she served as a public service fellow, a research fellow with the Pro Bono Research Group, and President of the Public Interest Law Foundation. Melanie won the CALI Award for Children and the Law. After law school, she spent eleven years in public interest law representing abused children in Chicago; working to place students in public interest careers at Chicago-Kent College of Law; as Assistant Staff Counsel for the American Bar Association Center for Pro Bono; and finally as Directing Attorney of the Pro Bono Project at Legal Aid Center of Southern Nevada. She also published and lectured on pro bono and access to justice topics. In her time in Southern Nevada, she made an indelible imprint on the lives of so many and we wish to keep her memory and spirit alive in a way that she would have loved, through support of public interest law education.

About Access to Justice and Civil Legal Aid

In our system of justice, if individuals accused of a crime cannot afford an attorney they are provided with free counsel by the court. However, victims of civil legal issues have no right to a free attorney. Civil legal aid is defined as free legal assistance provided by a nonprofit law firm to low and middle

income people who have non-criminal legal challenges. Civil legal aid is funded at a severely anemic level in relation to the intense need that exists.

Legal Aid Center provides free legal assistance on issues that include safety and stability (domestic violence, elder abuse, child abuse), basic necessities (Social Security benefits, veterans benefits, and housing), and economic security (predatory lending, consumer protection, and managing debt). Assistance is provided by Legal Aid Center staff attorneys and by volunteer attorneys who are recruited through our Pro Bono Project. Free assistance is offered in many forms, including:

- Legal information community service classes;
- Ask-A-Lawyer sessions;
- Self-Help Centers located in the Family Court and the Regional Justice Center; and
- Direct representation.

Fellowship Details

One law student from an ABA-accredited law school will be selected annually to receive the Melanie Kushnir Access to Justice Fellowship. Each fall, interested law students will submit a proposal on how to improve access to justice in Southern Nevada or increase pro bono participation. Ideas can include identifying barriers to access to justice and ways to eliminate them and/or targeted initiatives to involve more volunteer attorneys in pro bono activities. Advisors are available to work with students on their chosen topic and help guide them toward new ideas. Finalists may be asked to present their ideas to the Selection Committee. The Melanie Kushnir Access to Justice Fellowship selection committee is comprised of one Legal Aid staff member; one Legal Aid Center board member; one member of the Legal Aid Center Pro Bono Advisory Council; one representative of the William S. Boyd School of Law; one Justice of the Nevada Supreme Court or their designee; one representative of the Supreme Court Access to Justice Commission; and Ira Kushnir, Melanie's father, or a family representative, if available.

Through their proposal, the winning student will have demonstrated a commitment to public interest law and the capacity to carry on Melanie's work in assisting those unable to afford the civil legal help they need. The Fellowship begins in May or at the end of the law school year. The Fellow will receive a \$10,000 stipend for the summer to develop their idea at Legal Aid Center while working within the Pro Bono Department assisting with access to justice projects currently underway.

In addition to the Fellowship, the Fellow will attend the State Bar of Nevada Annual Conference during the summer of their Fellowship and may present their winning idea and proposed implementation to the Board of Governors. While the full time employment of the Fellow will come to a close at the end of August, the Fellowship will officially conclude at the end of the year. During that time, the Fellow will be able to take advantage of judicial mentoring organized by the Eighth Judicial District Court in honor of Melanie. The Honorable Frank Sullivan will coordinate court observation and/or mentoring with the Fellow. The Fellow will also be invited to attend the Supreme Court Access to Justice Commission meeting during the fall to present their final work product. Finally, the student will be recognized at the Annual Pro Bono Project Awards Luncheon, to be held in December of each year, before the Nevada Supreme Court, the judiciary, and the attorney community.

Upon conclusion of the fellowship, the Fellow will be asked to participate as an ambassador in publicizing the availability of the fellowship during the following year. The Fellow may also be asked to serve as a mentor to the Fellow selected in the following year.

Commission Membership Update 111517 –

- Recently Filled Vacancies:
 - Second Judicial District Court: Bridget Robb, District Court Judge
 - Third Judicial District Court: John Schlegelmilch, District Court Judge
 - Limited Jurisdiction Judge: Tammy Riggs, Reno Municipal Court
 - State Bar of Nevada Young Lawyers Section: Adam Tully, Snell & Wilmer L.L.P.
 - Layperson: Stacey Shinn, Progressive Leadership Alliance of Nevada
- Current Vacancies:
 - At Large Representative
- Reappointments:
 - Eight Judicial District Court: Joanna Kishner, District Court Judge
 - Ninth Judicial District Court: Nathan Tod Young
 - Tenth Judicial District Court: Thomas Stockard
 - State Bar of Nevada: Julie Cavanaugh-Bill
 - Nevada Bar Foundation: Connie Akridge

MEMO

TO: Justice Douglas, Nevada Supreme Court
Steve Grierson, Court Executive Officer, Clark County Courts
Leonard Cash, Assistant Court Administrator, Clark County Courts
Kim Kampling, Court Administrator, Las Vegas Justice Court
David Denson, Court Administrator, Las Vegas Justice Court

CC: Barbara Buckley, Legal Aid Center of Southern Nevada

FROM: Lauren A. Peña, Directing Attorney, Civil Law Self-Help Center
Stephanie McDonald, Directing Attorney, Family Law Self-Help Center

DATE: June 17, 2016

RE: Tyler Technologies' Guide & File

Introduction

Recently, Tyler Technologies' Odyssey Guide& File has been introduced to the Clark County Courts. This program allows self-represented litigants to complete electronic interviews, generate forms, and either print hard copies of the forms or submit the forms electronically to the court.

The program offers the ability to turn a set of legal forms into an "interview," so a user answers simple questions in order to populate court forms. Different interviews can be created to complete a set of forms necessary for the type of case a litigant wants to file, such as all forms needed to file a harassment protection order, a fee waiver, a name change, etc. The main portal lets the user select the appropriate interview for his/her needs.

Once the interview begins, the user answers a series of questions that appears similarly to the image below:

The screenshot displays a web-based form titled "Case Information" with a progress bar at the top showing four steps: "Select Interview", "Complete Interview", "Review Summary", and "Submit Filing". The "Complete Interview" step is currently active. The form includes a "Case Information" section with a red asterisk indicating required fields. It contains a text area for case information, a dropdown menu for "In which county in New Mexico are you filing your legal case?" (set to "Los Alamos"), and a "Case Number" field with an example "M-333-DM-2012-00001" and a "Verify" button. A sidebar on the right offers options like "Sign up to save your work" and "Already signed up? Log in", along with a "What is a spouse?" help section and a "LEARN MORE" button. Navigation buttons "Exit", "Go to: Case Information", "Previous", and "Next" are at the bottom.

The interview asks the user to enter information that will be needed to complete a filing. The user cannot proceed with the interview unless all mandatory sections are completed. Once all the questions are answered, the interview generates the legal documents on forms approved by the courts and allows the user to review the forms from a screen much like the image here:

The screenshot displays a web interface for a "Divorce Without Children Summary" form. At the top, there are four tabs: "Select Filing", "Complete Interview", "Review Summary" (which is active), and "Submit Filing". The main content area shows a confirmation message: "You have successfully completed your Divorce Without Children filing interview." Below this, there are two main sections: "Party Information" and "Documents".

The "Party Information" section contains a table with the following data:

Name	Party Type	Phone	Email
Jane N Doe	Petitioner		
Sammy D Doe	Respondent		

The "Documents" section contains a table with the following data:

Document Name	Actions	Reviewed
Petition for Dissolution of Marriage without Children	Select...	✓
Domestic Relations Cover Sheet	Select...	✓
Entry of Appearance Pro Se	Select...	

At the bottom of the form, there are three buttons: "Exit", "Return to Interview", and "File Electronically". On the right side, there is a sidebar with a list of resources: "New Mexico Resources", "Law Help New Mexico", and "New Mexico Legal Aid". Below this is a section titled "LEGAL AID ORGANIZATIONS" with a question mark icon and the text "EXPLAIN THIS TO ME".

Once the user reviews the forms for accuracy, the documents can be filed electronically by clicking the “file electronically” button above. The data in the interview is transferred to the e-file server and the forms are electronically uploaded.

Ultimately, the vision is that much like a “TurboTax program,” pro se filers will have the ability to access these interviews from their personal computers, and in one sitting, complete and file their documents without ever having to physically visit the courthouse.

Rather than electronically filing forms as described above, Nevada users must print hard copy forms, sign the forms, and then file them with the Clerk’s Office. This is due to prohibitive local and state rules governing the signature requirements for self-represented litigants.

Currently, the Self-Help Centers offer 10 interviews for self-represented litigants: five interviews are available for the Las Vegas Justice Court (Application for Temporary Protection Order, Small Claims Complaint, Small Claims Answer, Summary Eviction Complaint, & Summary Eviction Tenant Affidavit) and five for the Eighth Judicial District Court (Joint Petition for Divorce, Petition to Change Adult Name, Petition for Adult Guardianship, Petition to Disburse from a Minor’s Blocked Account, & Application to Proceed in Forma Pauperis). Since its introduction, an average of 100 customers are utilizing the program at the Civil Law Self-Help Center each month, and another 100 use the program at the Family Law Self-Help Center.

Points and Authorities

Nevada state and local rules do not allow for pro se filers to submit electronic signatures. The rules require that “original” signatures be scanned and uploaded with each pro se filing. A summary of the various prohibitive electronic filing rules follow.

A. Las Vegas Justice Court Rules

Local Rule of Practice for the Justice Court of Las Vegas Township 16 states that all parties not represented by an attorney must have their documents notarized or signed with an unsworn declaration pursuant to Nevada Revised Statute 53.045. The unsworn declaration in NRS 53.045 provides that the declarant make a statement “under penalty of perjury” that their statements are true and correct. Las Vegas Justice Court Administrative Order 15-06(a)(2) further provides, “When a document to be filed electronically requires a signature under penalty of perjury, or the signature of a notary public, the declarant or notary public shall sign a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately produces the original signatures and contents of the document.”

In short, LVJCLR 16 provides that pro se litigants must sign documents with an unsworn declaration pursuant to NRS 53.045, and NRS 53.045 provides that the unsworn declaration is signed by the declarant under penalty of perjury. Administrative Order 15-06(a)(2) requires that documents signed under penalty of perjury require that the printed signature bearing the original signatures be scanned and electronically submitted for filing.

B. Eighth Judicial District Court Rules

Similarly, the Eighth Judicial District Court Rules of Practice 7.42 provides that no pleading can be given force or effect unless it is signed by the party. As in Justice Court, NRS 53.045 allows a litigant to sign most documents under penalty of perjury. EDCR 8.07(c) further provides that “when a document to be filed electronically requires a signature under penalty of perjury, or the signature of a notary public, the declarant or notary public shall sign a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.”

C. Nevada Electronic Filing and Conversion Rules

The Nevada Supreme Court adopted statewide electronic filing standards and rules, which all courts must abide by. NV Electronic Filing Rule 11(b)(1) requires that any document signed under penalty of perjury may be electronically filed, but only if it is scanned and submitted in a format that accurately reproduces the original signature.

D. Electronic Filing Barriers

The requirements imposed by the court rules have left pro se filers with two options: (1) pro se filers can print out completed forms and add their “wet” signature to the document then scan that page with the wet signature back in for e-filing; or (2) pro se filers can print out the completed forms, add their wet signature to the document, then physically go to the clerk’s office to file over the counter. Option (1) creates additional steps for the filer and requires the user to have access to a scanner.

Because Tyler does not have the capacity to simply add that page with the wet signature back into the packet in the correct order, that signature page will have to be attached to the complete packet as an exhibit. This causes further confusion for the clerk's office who must arrange the scanned pages with the signatures back into the packet of forms before presenting it for submission to the judge. Option (2) which entails physical filing is the option most commonly used at both Self-Help Centers. While the typewritten documents have been helpful to both the judges and the clerks in ensuring the forms are complete, this option has not decreased the number of filers who must wait in line at the clerk's office to file hard copies of documents.

Thus, according to the rules detailed above, in order to electronically file a document, the filer must print out the form, physically sign it with ink, then scan the signed form back into the system, either themselves or at the clerk's office. These are burdensome steps on pro se filers who often lack the technological savvy to manage such a complicated process. It also defeats the intended flow of the Guide & File program.

Rule Changes Are Needed to Allow Guide & File

We have considered several solutions to the roadblocks preventing the complete implementation of Guide & File. The first was an electronic signature pad, where pro se filers could use an electronic pad and pen to insert their signatures on the document. But ultimately, because the language of the rules calls for "original" signatures to be scanned in, the electronic pad does not appear to be a solution within the rules.

The second potential solution we considered was a having the pro se filers submit their original signatures either at a drop box at the clerk's office or at the hearing. But this imposes an additional duty on the clerk's office to collect paper, when both clerks' offices are either paperless or making efforts to become paperless. It also requires the clerk's office to match paper documents with the filed documents to check that the requirements have been met.

A rule change at the local and state level allowing for the filing of documents without "original signatures" would allow pro se filers the access to justice they need, while unburdening the clerk's office with filings. Allowing electronic filing without replicas of an "original signature" would allow pro se filers to execute their filing in one sitting, click the "file" button, pay any necessary fees online, and avoid a trip to the courthouse and/or the Clerk's Office. To accomplish this, the following changes are needed:

1. Amend NV Electronic Filing Rule 11(b)(1) to eliminate any reference to documents signed under penalty of perjury.
2. Amend EDCR 8.07(c) to eliminate any reference to documents signed under penalty of perjury.
3. Amend LVJCLR 16 to allow recognition of electronic signatures.
4. Rescind Las Vegas Justice Court Administrative Order 15-06(a)(2).

The Guide & File program has the potential to make justice more accessible to pro se filers, while not burdening the clerks' offices. The interview process ensures that documents are completely filled out, and the implementation of the electronic filing allows for pro se litigants to file simply within the courts' rules. A rule change allowing pro se filers to file through the Guide & File program would achieve both goals of making justice more accessible to pro se filers while alleviating some of the workload from the clerk's office.

Odyssey Guide & File

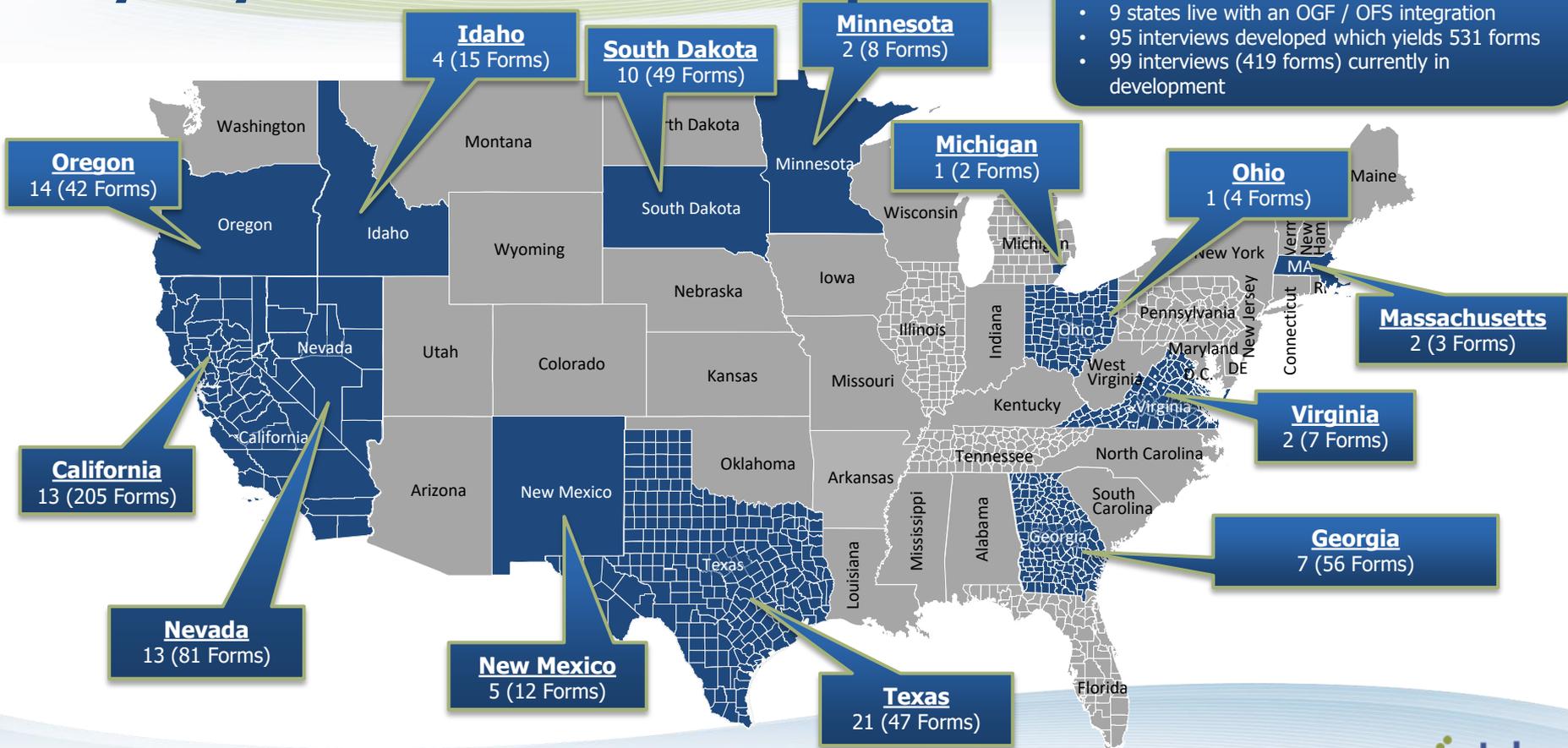
eFiling Footprint



Odyssey Guide & File Landscape

Highlights

- 13 states live with OGF
- 9 states live with an OGF / OFS integration
- 95 interviews developed which yields 531 forms
- 99 interviews (419 forms) currently in development



Clients with Guide & File eFiling Integration

Enabled:



California



Georgia



Massachusetts



Michigan



Minnesota



Ohio



Oregon



Texas



Virginia

Pending:



Idaho



New Mexico

eFiling Enabled Interviews



California:

Civil Harassment Restraining Order Request
Small Claims
Request for Fee Waiver



Georgia:

Small Claim Complaint
Small Claim Answer
Eviction Complaint
Eviction Answer



Massachusetts:

Petition for Admission to the Bar on Motion
Without Examination



Michigan:

Application for License Restoration



Minnesota:

Small Claims
Eviction Complaint



Ohio:

Claims Against the State



Oregon:

Small Claims Complaint
Small Claims Response
Divorce, Children, and Separation (Petition)
Divorce, Children, and Separation (Response)



Texas:

Eviction Petition
Repair & Remedy Petition
Small Claims Petition
Divorce Without Children Petition
Name Change of an Adult Petition



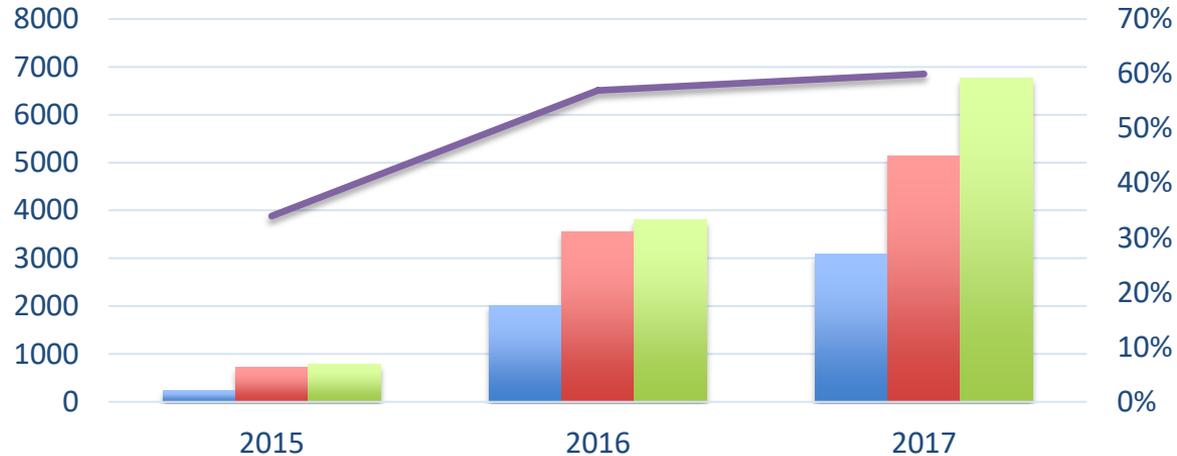
Virginia:

Uncontested Divorce With Children
Uncontested Divorce Without Children



Oregon Snapshot

Guide & File volume



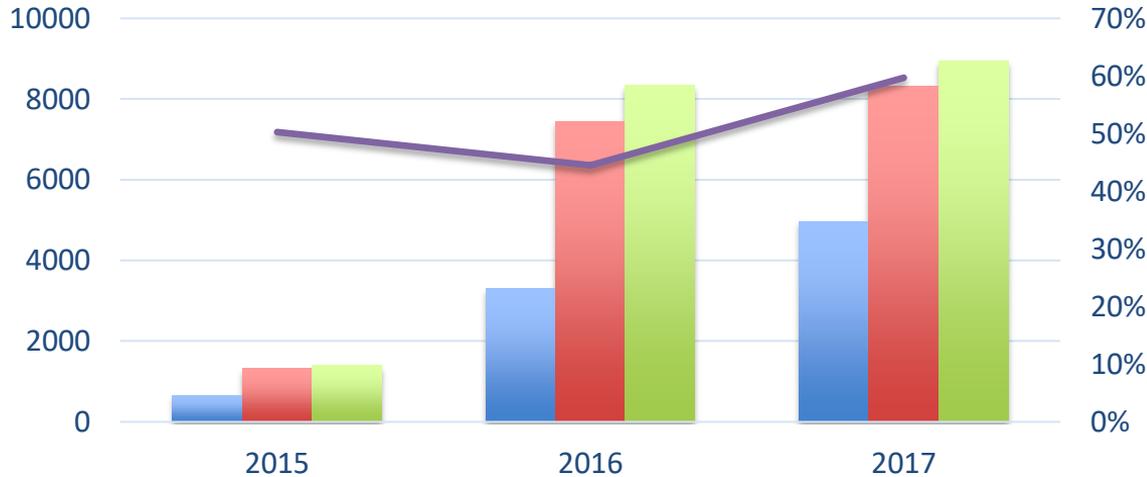
-  Total eFiled Interviews
-  Total Completed Interviews (eFiling Enabled)
-  Total Completed Interviews (All)
-  Percentage eFiled (of eFiling Enabled)

- **Initial go-live:**
9/21/15
- **Data cutoff:**
9/30/17



Texas Snapshot

Guide & File volume



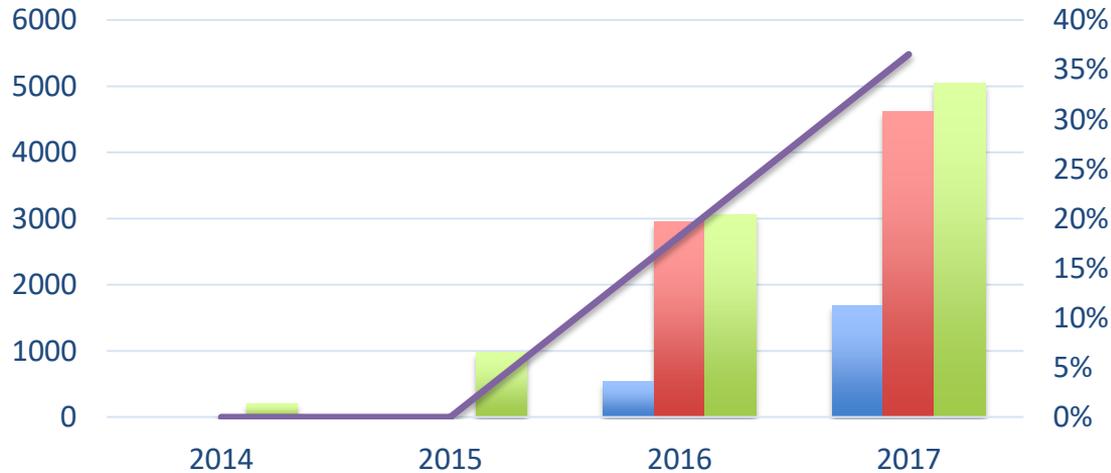
- Total eFiled Interviews
- Total Completed Interviews (eFiling Enabled)
- Total Completed Interviews (All)
- eFiling Percentage (of eFiling Enabled)

- **Initial go-live:** 3/13/15
- **Data cutoff:** 9/30/17
- **Note:** eFiling was not enabled for most Texas counties until 10/2016.



Georgia Snapshot

Guide & File volume



- Total eFiled Interviews
- Total Completed Interviews (eFiling Enabled)
- Total Completed Interviews (All)
- eFiling Percentage (of eFiling Enabled)

- **Initial go-live:** 8/1/14
- **Data cutoff:** 9/30/17
- **Note:** eFiling was first enabled for **one** Georgia county on 4/5/16. A second Georgia county enabled eFiling on 6/9/17.

Fraudulent E-Filing Answer from Tyler Technologies –

Regarding filers misrepresenting themselves or inappropriately filing on behalf of other people—there is actually nothing we can do to prevent this. When clients ask about this, we typically point out that this is also a potential issue in the paper world (someone can fraudulently file something), and we suggest that the appropriate way to address it the same way they do in the paper world—typically with perjury penalties, etc. I can tell you that we’ve had eFiling-enabled interviews live since 2014, and in that time I haven’t heard of any clients having any fraudulent filings come through from Guide & File—that’s not to say it *couldn’t* happen, just that I don’t know of any actual instances.

Shanda

Shanda King J.D.

Content Consultant

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www.tylertech.com

MEMORANDUM

To: Nevada Access to Justice Commission

From: Barbara Buckley

Date: August 31, 2017

There is a dire need for the services of pro bono attorneys in Nevada. In Clark County alone, 749,000 individuals, 38% of our population, qualify for pro bono legal services. Meeting the legal needs of three-quarters of a million people is a daunting challenge. Legal Aid Center of Southern Nevada constantly works on this challenge by recruiting and training pro bono lawyers to work alongside our dedicated staff. Despite the massive amount of work already being done, there is still a huge need for pro bono attorneys. The ability for judicial law clerks to render pro bono services would go a long way in helping us meet the legal needs of our community.

I. Current Rules Governing Nevada's Judicial Law Clerks

Judicial law clerks who are licensed attorneys in Nevada are governed by the Nevada Rules of Professional Conduct ("NRPC"). The NRPC states that lawyers have a responsibility to provide pro bono legal services, and encourages every lawyer to "aspire to render at least 20 hours of pro bono publico legal services per year." NRPC 6.1(a). Additionally, judicial law clerks are governed by the Model Code of Conduct for Judicial Employees in the State of Nevada ("Nevada MCCJE"). As the preface of the Nevada MCCJE states, the rules are ethical and practical guidelines for all judicial employees, except the justices and judicial officers. These standards are primarily in place to maintain the impartiality, and appearance of impartiality, of the judiciary which is critical to our legal system. Model Code of Conduct for Judicial

Employees in the State Of Nevada, Preface (2013). Nevada MCCJE Rule 3.2(A) closely mirrors the stricter guidelines set forth under § 320, Canon 4 to the U.S. Courts' Code of Conduct for Judicial Employees. Nevada MCCJE Rule 3.2A provides as follows:

Practice of Law. A full-time judicial employee who is otherwise qualified to practice law in the State of Nevada shall not engage in the practice of law for outside compensation, however, a judicial employee ... may provide pro bono legal services in civil matters, so long as such ... pro bono legal work does not present an appearance of impropriety, does not take place while on duty or in the judicial employee's workplace, and does not interfere with the judicial employee's primary responsibility to the office in which the judicial employee serves, and further provided that:

- (3) In the case of pro bono legal services, such work
 - (a) Is done without compensation;
 - (b) Does not involve the entry of an appearance in any federal, state, or local court or administrative agency;
 - (c) Does not involve a matter of public controversy, an issue likely to come before the judicial employee's court, or litigation against federal, state or local government; and
 - (d) Is reviewed in advance with the appointing authority to determine whether the proposed services are consistent with the foregoing standards and the other provisions of this Code.

Id., Rule 3.2A. Under Rule 3.2A, law clerks may not appear in court as a pro bono representative, but may "serve as uncompensated mediators or arbitrators for nonprofit organizations." *Id.*

While judicial law clerks have the ability to provide some pro bono legal services, the prohibition on court appearances stifles numerous pro bono opportunities. Not only may this have a chilling effect on judicial law clerks' pro bono endeavors, but it also hinders the community's ability to access much needed legal services.

While the NRPC states the pro bono goal for licensed attorneys, the Nevada MCCJE restricts the means by which judicial law clerks may fulfill this goal. The inconsistent guidance within these rules should be reconciled to allow judicial law clerks the ability, and encouragement, to meet the pro bono goals set out under NRPC 6.1. Further, the rules should allow the goals to be met through the least restrictive means possible, while still avoiding possible conflicts of interest. Finding a solution to this conflict is of crucial importance given the growing need for pro bono representation by licensed attorneys in Nevada.

II. Other States' Pro Bono-Friendly Rules for Judicial Law Clerks

New Mexico, Nebraska, Pennsylvania, and New York all have pro bono friendly rules that allow, and encourage, greater pro bono involvement by judicial law clerks, while still avoiding conflicts of interest.

Examples of these approaches from various jurisdictions include: 1) allowing direct representation, yet prohibiting a clerk from representing a client in the court, division, or section where the clerk is employed, or where the employer judge serves; 2) prohibiting a clerk from providing services during usual judicial working hours unless appropriate leave is authorized; and 3) stipulating that reasonable precautions be taken by approving authorities and judicial employees to avoid actual or perceived conflicts of interest.

New Mexico allows the outside practice of law by judicial employees. New Mexico rules state that outside employment will be allowed so long as the work 1) is pro bono work; 2) does not create any conflicts of interest; 3) does not interfere with the employee's primary job performance; 4) is not detrimental to the interests of the Judicial Branch; and 5) is approved. New Mexico Judicial Branch Code of Conduct for Judicial Employees, Canon 4, p. 9-10 (2010).

In Nebraska, a judicial ethics opinion recognized that judicial employees licensed to practice law are “held to a higher standard than other employees,” as they have to abide by both the Nebraska Code of Judicial Conduct, and the Rules of Professional Conduct. Judicial Ethics Comm. on Nebraska Judicial Ethics, Formal Op. 08-2, (2008). Further, the opinion affirms that the Code of Judicial Conduct does not prohibit a judge from allowing court staff to practice law, so long as they abide by basic elements of the Code in order to avoid conflicts. *Id.*

Pennsylvania is yet another example of a jurisdiction that allows judicial law clerks to partake in outside work. Code of Conduct for Employees of the Unified Judicial System, Section VI (2010). Judicial law clerks in Pennsylvania may practice law as long as they are not appearing as counsel in the division/section of the court in which they are employed, or where their employer judge is presiding. *See In Re: Practice of Law by and Qualifications of Law Clerks Employed in the Unified Judicial System of Pennsylvania*, Sup. Ct. of PA, No. 437 (2014). The clerk is also prohibited from appearing in a court that has no formally established division or section. *Id.* Further, any outside employment must be reported in writing in advance to the employing judge or supervisor, and to the Chief Justice or presiding judge. *Id.*

Similarly, New York allows clerks to provide pro bono legal services which do not interfere with the performance of their jobs, except in the courts of their own employment. *See Admin. Rules of the Unified Court System & Unif. Rules of the Trial Courts*, Part 50.6(C)(1) (2016). Prior written approval is required on an annual basis for pro bono services and those services may not take place during usual working hours, unless leave is authorized. *Id.* at 50.6(b). However, a clerk may not use any public resources in connection with the legal services; must take reasonable precautions to avoid actual and perceived conflicts of interest; and must report

the number of pro bono representations and hours performed annually to the Chief Administrator of the Courts. *Id.* at 50.6(3).

III. Proposed Changes to the Nevada Rules Governing Pro Bono Representation by Judicial Law Clerks

Drawing inspiration from the pro bono friendly jurisdictions discussed above, Legal Aid Center of Southern Nevada suggests revising Nevada MCCJE Rule 3.2A and adopting Proposed NRPC Rule 6.6 to reconcile the inconsistencies as they relate to judicial law clerks.

First, the Court Administration Committee and Judicial Council for the State of Nevada should revise Rule 3.2A(3) by removing the current language under subsection (b). The revised Rule would read as follows:

Practice of Law. A full-time judicial employee who is otherwise qualified to practice law in the State of Nevada shall not engage in the practice of law for outside compensation, however, a judicial employee ... may provide pro bono legal services in civil matters, so long as such ... pro bono legal work does not present an appearance of impropriety, does not take place while on duty or in the judicial employee's workplace, and does not interfere with the judicial employee's primary responsibility to the office in which the judicial employee serves, and further provided that:

- (3) In the case of pro bono legal services, such work
 - (a) Is done without compensation;
 - (b) Does not involve the entry of an appearance ~~in any federal, state, or local court or administrative agency~~ *in the division/section of the court in which he or she is employed, in a court that has no formally established division or section, or where his or her employing judge is presiding;*
 - (c) Does not involve a matter of public controversy, an issue likely to come before the judicial employee's court, or litigation against federal, state or local government; and
 - (d) Is reviewed in advance with the appointing authority to determine whether the proposed services are consistent with the foregoing standards and the other provisions of this Code.

By eliminating the prohibition on court appearances, law clerks would more readily be available to pro bono clients while still maintaining impartiality.

Second, Legal Aid Center of Southern Nevada supports the Court's adoption of Judge Matthew Harter's proposed Rule 6.6 to the NRPC ("Melanie's Rule"). Judge Harter's proposed rule is set forth as follows:

Rule 6.6. Judicial Law Clerks Licensed to Practice Law.

In jurisdictions which have established a Family Court pursuant to NRS 3.0105, a judicial law clerk that is licensed to practice law:

- (a) Shall strive to provide pro bono service pursuant to Rule 6.1;
- (b) Must obtain in advance of performing the service, written permission from the district judge in the department to which the judicial law clerk is assigned;
- (c) Are prohibited from appearing as counsel only in the division/court in which the law clerk is employed, or in which the judge by whom the law clerk is employed, and shall not perform any duties related to criminal law;
- (d) The pro bono service shall not interfere with the regular duties and responsibilities of the judicial law clerk;
- (e) The judicial law clerk will not be compensated, either monetarily or via some other benefit, for rendering the pro bono service;
- (f) None of the pro bono services provided will occur or take place at the workplace of the judicial law clerk; any related activities shall be at the workplace of the pro bono agency which assigned the matter or a neutral meeting place;
- (g) To avoid any appearance of impropriety, the court in which the law clerk appears shall not be made aware that the judicial law clerk is serving different judge;
- (h) The judicial law clerk will not perform pro bono service in matters that involve a public controversy or involve litigation against any federal, state, or local government entity; and
- (i) The district judge to whom the judicial law clerk is assigned shall strive to be flexible in the law clerk's work schedule so that the law clerk may comply with this rule.

ADKT No. 0520. Melanie's Rule details a practical framework for allowing judicial law clerks to aspire towards the recommended pro bono goals, while avoiding conflicts of interest in their primary role as a judicial employee.

The NRPC Rule 6.1, proposed NRPC Rule 6.6, and Melanie's Rule, working in tandem, provides socially conscious guidance to judicial law clerks seeking to fulfill their obligations to the community as a lawyer and a clerk. Importantly, adopting these changes would also increase the number of pro bono attorneys and services available to our community. It is important to make these changes in order to reconcile the ethical obligations of judicial law clerks, and in order to assure that Nevada's legal community is providing access to legal services.

Dear ATJ Commission Members,

As some of you may be aware, last October, Judge Mat Harter (copied here) petitioned the Nevada Supreme Court to add a rule to the Rules of Professional Conduct explicitly permitting licensed judicial law clerks to perform pro bono service (ADKT 0520). Very recently, the Standing Committee on Judicial Ethics of the Commission on Judicial Discipline issued the following Advisory Opinion:

ISSUE

Does a proposed amendment to the Nevada Rules of Professional Conduct set forth in NRPC 6.1 to 6.5 which would permit judicial law clerks in counties with a population in excess of one hundred thousand to perform pro bono work potentially violate the Nevada Code of Judicial Conduct?

ANSWER

Yes. The proposed amendment to the Nevada Rules of Professional Conduct set forth in Rules 6.1 to 6.5, as written and presented to the Standing Committee on Judicial Ethics, would potentially violate the Revised Nevada Code of Judicial Conduct. A judicial law clerk in a county which has a population of more than One Hundred Thousand may not volunteer to conduct pro bono public service while serving as the law clerk to a judge because such judges are prohibited from the practice of law themselves and are required to ensure that their staff likewise comply with this requirement.

I believe the Supreme Court has two months within which to adopt, modify, or reject the advisory opinion. Should the Access to Justice Commission form a subcommittee to make recommendations to the Court, or plan a hearing for input on the administrative docket?

As a part of the work of our Pro Bono Project, we at Legal Aid Center had previously asked one of our law clerks to prepare a memorandum on the issue of pro bono service by law clerks. By way of further background, Barbara and I thought it made sense to share that research with the Commission.

Please let us know if you have any questions.

Thank you,

Noah



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To: Access to Justice Commission
From: Anne Traum, Professor of Law
Re: Update on the Nevada Appellate Pro Bono Program
Date: November 15, 2017

Nevada Appellate Pro Bono Program

This Program continues to be a terrific success: it is popular with attorneys, helpful to the court, and generates good results for clients. The Nevada Supreme Court has referred 141 cases to the program since it started in August 2013. The Supreme Court (Justice Pickering and others), the Legal Aid Center of Southern Nevada (LACSN) (Barbara Buckley and Noah Malgeri), and the Appellate Litigation Section Pro Bono Committee Co-chairs (Kelly Dove and myself) meet regularly to review ongoing issues, and this group now includes the Nevada Court of Appeals (Chief Judge Silver and others).

The statistics below reflect referrals since the program started in August 2013 (courtesy of LACSN).

Total Clients Referred to Program:	141
Referred by Supreme Court:	131
Referred by Court of Appeals:	5
Clients Placed with Pro Bono Attorneys:	113
Clients Referred that are on Waiting List (waiting for paperwork or attorney assignment)	1
Clients Referred that were NOT Placed with an Attorney (over income, refused pro bono representation, no client response):	27
Unique Attorneys Who Have Taken at least 1 case:	82

Federal Pro Bono Pilot Program

This program, which started in 2014, is administered by LACSN in the south and Nevada Legal Services in the north. To date, 57 cases have been referred in the south and 33 individual attorney volunteers have participated, with several of them having taken on multiple cases.

Report on State of Nevada Self-Help Center Website –

The entire website is nearly ready to launch. We have made changes to some of the forms to keep up with recent changes in statutes. The entire site is being handed over to the webmasters Wednesday, November 15, 2017 and they advise us that they will then need about one week before it is up and running.

Here is a link to the site and the password provided to the Commission members so they can explore it.

Site: <http://nvsupremecourt.dnsalias.com/>

Username: proof

Password: interactive



November 14, 2017

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Fax (775) 463-1212

Dear Brad and the Members of the Access to Justice Commission:

This letter will serve as the report for Nevada Legal Services on our progress and activities over the past Quarter.

1. Nevada Legal Services is remodeling our Las Vegas office. Our old office at 530 S. 6th Street is in desperate need of some repairs and refurbishment. D3 Design Studios and Schaffer Construction will begin work on January 2nd to repair and remodel the building. During the estimated six months that this will take, all client intake will be conducted at our office at 701 E. Bridger Ave., Suite 700.
2. During the past quarter, NLS conducted **290** clinics, outreaches, and ask-a-lawyer events across Nevada.
3. During Pro Bono Week, NLS conducted two Continuing Legal Education seminars for attorneys and forty-eight (48) clinics and ask-a-lawyer events across Nevada. In addition to the events for clients, NLS held our annual awards luncheons for our attorney volunteers in Reno and Las Vegas.
4. NLS was awarded a grant from the Attorney General's office to provide services to rural communities. NLS had planned for the opening of new offices in Pahrump and Yerington, and expanding the offices in Carson City and Elko. Unfortunately, the budget for the program was cut in half the week before the grant award became effective. NLS had to regroup and make new plans for the funding. The grant still provides services to the rural counties and it has allowed NLS to hire seven new attorneys to provide those services, though this is less than the original budget. NLS simply cannot put offices out in the communities. The new attorneys are working out of the Las Vegas, Reno, and Carson City offices.
5. During this quarter, NLS placed **65** cases with pro bono attorneys. There were 21 consumer cases; 29 family law cases; 1 housing cases; and 14 wills/powers of attorney/advanced directives cases.

6. Case Stories

We have assisted multiple disabled clients either defend against evictions or negotiate reasonable accommodations with their landlords so they may remain in their housing. In 2 cases we were able to successfully defend against landlords attempting to evict disabled tenants with deficient 30 day notices. In both cases we attempted to negotiate with the landlords involved but when that failed the judge denied the eviction actions in both cases.

Additionally, we have entered into agreements to preserve housing for disabled individuals in 2 cases based upon requests for reasonable accommodations of their disabilities and have a third request pending with the landlord for a severely mentally ill client who has recently begun substance abuse and mental health counseling.

We also assisted a client suffering from multiple sclerosis successfully appeal the denial of his application for social security disability benefits. Client can only walk with walker, is emaciated, and on medication for pain. The client had been denied at each stage but none of the decisions mentioned that he suffered from multiple sclerosis so he requested an ALJ hearing. We successfully prepared a hearing brief and submitted the necessary medical records to have his claim approved.

We also assisted a young, Native American who had returned to college and was seeking to seal his Nevada criminal record to improve his employability after graduating. Although the client's Nevada record consists only of misdemeanors, in the process of reviewing his record, we discovered an active warrant out of California. The warrant related to an eight-year-old case in which the client had been accused of vandalism. The client, who is indigent and the primary caretaker of a young son, was unable to travel to California to try to resolve the pending criminal matter. With our help, we were able to put him in touch with the Public Defender's office in Santa Clara, and explain to the Court why it should allow the case to proceed without requiring the client's presence in California. The PD was able to quash the warrant and is currently moving for a dismissal of the charges based on the age of the case. Once the California case is cleared, we will be able to finish sealing the client's Nevada record so that when he graduates from College, employers will not see his record.

The client first came to us in October 2016, with a lengthy record of misdemeanor convictions spanning a decade. Client is a recovered alcoholic, who has been sober for years, and had no convictions on her record for more than eight years. Prior to seeking our help, she had successfully sealed three convictions *pro se*, and was seeking assistance sealing the rest of her record. We filed a petition to seal her most recent conviction, which was a misdemeanor DUI from 2006, in the Sparks Justice Court. Although the conviction was the type of conviction that normally gets sealed easily, the District Attorney opposed the petition, citing the client's "serious" and lengthy record, and the fact that she had already sealed three convictions. However, the DA did not properly serve us with its Opposition to the petition, and we were unable to file a response. The Judge denied the petition despite the fact that Petitioner had not responded to the opposition, and without ordering a hearing. We filed a motion seeking to set aside the order and seeking a hearing on the petition, but the Judge denied the motion, claiming that the client had waived her right to a hearing. We appealed the case to the District Court, and in July 2017, the District Court remanded the case back to the lower Court for further proceedings, including full briefing and a hearing.

Client came to us because her landlord had filed an eviction against her several years ago and it was preventing her from finding new housing. Ron filed a motion to seal the record under

the Nevada Rules of Civil Procedure. Judge Brown in Las Vegas Justice Court denied the motion on the grounds that an eviction is not a civil case and is therefore not covered by the Nevada Rules of Civil Procedure. Ron appealed this decision to District Court. Judge Allf ruled that an eviction is indeed a civil case and remanded the case to Justice Court for reconsideration. After the remand, Judge Brown granted the motion to seal.

Client is a veteran who served for over twenty years in the Army and was only receiving total income of \$264 per month. He had moved in with his brother because he could not afford to live on his own. He had tried filing claims for veteran's benefits on his own, and using other Veteran's organizations, but had been unsuccessful each time. Sara submitted a service connected claim for the client using evidence from his military records that described a violent attack he suffered in Istanbul, Turkey. This event affected his mental health for years. Over a year, after Sara filed the claim, the client was awarded service connected benefits for mood disorder at 70% from the Department of Veterans Affairs. Sara then submitted an application for TDIU (total disability based on unemployability) which was ultimately successful. The client is now considered totally disabled through the VA, he has all base privileges and is even entitled to student loan forgiveness. He receives \$2,915.55 per month now and received a lump sum payment of \$27,000.00 from the VA. Upon hearing of the decision, the client told Sara "This is life changing and I'm so glad I went to the event held at the Texas Station back then."

Sincerely,

Nevada Legal Services



AnnaMarie Johnson
Executive Director

Southern Nevada Senior Law Program

SNSLP celebrating its 40th year of existence in 2018. We have just completed our 5th year as a non-profit, having been a City of LV program from 1978-2012.

- We entered FY18 on July 1, 2017. At the conclusion of FY 17, we had prepared 3123 legal documents requested by our seniors including 1,148 wills, 1,141 Advance Directives, 50 probate matters, 424 homesteads.
- We continue to provide legal services, both appointments and seminars, in-house with monthly visits to Henderson and Boulder City Senior Centers and outreach throughout the Clark County community. We provided outreach events to senior centers and participated in legal assistance clinics advising seniors regarding foreclosure, elder abuse, long term care issues, identity theft, debt collection and public entitlements.
- Our Estate Planning and Probate Unit assists seniors in the preparation of wills, beneficiary deeds, affidavits of entitlement and motions to set aside.
- Our Health Care Unit assists seniors and families facing a catastrophic illness or loss of a loved one and documenting end of life wishes.
- Our Consumer Assistance Program helps resolve consumer protection issues, including everything from unscrupulous business transactions to outright fraud, and debt relief. Housing issues, including HOA concerns and landlord tenant disputes are also covered.
- We are beginning our housing search in FY 18. We are currently located at 411 East Bonneville Avenue. The Downtown Project provided an in-kind donation from our July 1, 2012 through September 30, 2017. We plan to remain at our present location through a portion of 2018.
- We were proud to be one of the recipients of the 2017 State Bar of Nevada Medal of Justice Award which we shared with our other legal service providers.

Washoe Legal Services Highlights 111617 –

To date, Washoe Legal Services has assisted over 8,000 people in 2017, which already exceeds our total for 2016. We recently hired our 31st employee who is our 17th full-time attorney. WLS also has one part-time staff attorney and one part-time contract attorney, and the Executive Director still maintains a limited case load. We have directly represented (or are in the process of representing) approximately 2,100 clients. Due to the recent changes in adult guardianship law, the largest expansion to programs has been in our adult guardianship program where we now have three full-time attorneys who currently represent approximately 300 protected persons in the First, Second, Third and Ninth Judicial Districts. WLS also recently executed a contract with Carson City to represent abused and neglected children in the First Judicial District Court.

Among the recent staff changes was the naming of Dawn Gearhart as our Director of Pro Bono and Self-Help Programs. Dawn was previously working for WLS as a child advocacy attorney. WLS has not had a strong pro bono program for several years and this is the first step to rectifying that shortcoming. Dawn's primary focus will be the Child Advocacy Pro Bono Program and the Federal Court Pro Bono Program. She also supervises the paralegal who runs our self-help center. WLS recently partnered with the Northern Nevada International Center (NNIC) to assist with refugee resettlement issues. Specifically, WLS trained pro bono attorneys to file petitions for legal permanent residency on behalf of eligible refugees who have been resettled in the Reno area by the NNIC. We have assisted five families and approximately 30 individuals so far, and we expect this program to assist approximately 18 families and over 70 individuals over the coming months.

WLS had its annual Fine Wine Dinner in October at Liberty Food & Wine Exchange. The event was attended by approximately 60 individuals including many members of the legal community. The two highlights were a surprise, last-minute appearance by Justice Lidia Stiglich and a toast by Judge Frances Doherty in honor of the late Chief Judge (and former WLS President) Patrick Flanagan.

YEAR-TO-DATE STATISTICS FOR JANUARY-OCTOBER 2017

VISITS

GENERAL PUBLIC	TIME OF DAY	ATTORNEYS/LP	TIME OF DAY
Morning	1795	Morning	152
Late morning	3480	Late morning	258
Afternoon	3930	Afternoon	221
Late afternoon	3510	Late afternoon	96
Evening	1740	Evening	91
VISITS	14,455	VISITS	818
			TOTAL VISITS 15,273

REFERRED BY-GENERAL PUBLIC

REFERRING AGENCY	COUNT
Court	25
Internet	0
Friend	0
Social Agency	9
NLS	0
WLS	0
TOTAL REFERRALS	34

USAGE

ELECTRONIC	COUNT
Circulation of Books	187
Inhouse Usage	1353
Westlaw Searches	17,701
EBSCO	43
Internet/Contexte	734
Email-Ask a Librarian	95
TOTAL ELECT. USAGE	20,113

REFERENCE-GENERAL PUBLIC

REFERENCE QUESTIONS	COUNT
Adoption/Term Parental Rights	64
Answer to Complaint	73
Changing/Correcting Birth Record	16
Child Custody	205
Child Support	78
Divorce/Annulment/Separation	333
Domestic Violence/TPO/EPO	91
Family Court Packets/Procedures	308
Grandparents Rights/Visitation	16
Guardianship-Adults/Minors	210
Name Change-Adults/Minors	102
Motions/Notice/Emergency	201
Oppositions/Objections	40
Paternity	24
Administrative Law/Judicial Review	20
Answers/Civil	24
Appeals	13
Bankruptcy	11
Business/Commercial	5
Civil Complaints/Petitions	65
Civil Procedure-State/Federal	20
Civil Rights/Constitutional Law	10
Consumer	5
Contract	7
Criminal Law/Defense	59
Disability/ADA	8
Employment/Labor	11
Immigration	7
LGBTQ Rights	21
Landlord/Tenant Law	41
Medical Malpractice	6
Military Benefits/Veterans' Rights	10
Personal Injury/Damages	17
Probate/Wills/Estate Planning	122
Real Estate/Foreclosure	26
Rogue Title	79
Sealing of Criminal Records	165
Small Claims Procedure	8
Spanish Speaking	72
Taxation	2
Worker's Compensation	2
Library Catalog/Circulation	47
Copier Use/Change	1281
Internet/Contexte	593
Lawyer in the Library Referrals	846
Westlaw	130
Copies of Court Records	103
Referrals to Other Services	258
Other	426
TOTAL	6281

REFERENCE-ATTORNEYS/LEGAL PROFESSIONALS

REFERENCE QUESTIONS	COUNT
Adoption/Term. Parental Rights	0
Answer to Complaint	0
Changing/Correcting Birth Record	0
Child Custody	0
Child Support	0
Divorce/Annulment/Separation	3
Domestic Violence/TPO/EPO	0
Family Court Packets/Procedures	1
Grandparents Rights/Visitation	0
Guardianship-Adults/Minors	1
Name Change-Adults/Minors	1
Motions/Notice/Emergency	0
Oppositions/Objections	0
Paternity	1
Administrative Law/Judicial Review	2
Answers/Civil	0
Appeals	1
Bankruptcy	1
Business/Commercial	1
Civil Complaints/Petitions	0
Civil Procedure-State/Federal	2
Civil Rights/Constitutional Law	1
Consumer	0
Contract	0
Criminal Law/Defense	1
Disability/ADA	0
Employment/Labor	1
Immigration	1
LGBTQ Rights	0
Landlord/Tenant Law	0
Medical Malpractice	1
Military Benefits/Veterans' Rights	0
Personal Injury/Damages	0
Probate/Wills/Estate Planning	3
Real Estate/Foreclosure	1
Rogue Title	0
Sealing of Criminal Records	0
Small Claims Procedure	0
Spanish Speaking	0
Taxation	0
Worker's Compensation	0
Library Catalog/Circulation	140
Copier Use/Change	53
Internet/Contexte	135
Lawyer in the Library Referrals	0
Westlaw	476
Copies of Court Records	3
Referrals to Other Services	0
Other	130
TOTAL	956

REFERENCE-PHONE CALLS

GENERAL PUBLIC	COUNT	ATTORNEY/LP	COUNT
TOTAL	1821	TOTAL	164
		TOTAL PHONE CALLS	1985

LAWYER IN THE LIBRARY

PARTICIPANTS	COUNT	PARTICIPANTS TURNED AWAY	COUNT
Lawyer in the Library-Family	525	Lawyer in the Library-Family	19
Lawyer in the Library-General	404	Lawyer in the Library-General	27
Lawyer in the Library-Probate	60	Lawyer in the Library-Probate	0
TOTAL ATTENDANCE	989	TOTAL TURNED AWAY	46

CIVIL LAW SELF-HELP CENTER STATISTICS

August 2017

8/01/2017 to 8/31/2017 (23 operating days)

General

Total number customer interactions (for month)	5177	Total number served in 2017	36,450
Total number of intake forms collected	311	% of parties returning forms	6%
Total number of intake forms sampled	311	% of collected forms sampled	6%

Biographical Data

Ethnicity:

White	75		29%
Black	111		43%
Hispanic	45		18%
Asian	6		2%
American Indian	3		1%
Other	17		7%
No Response Provided	54		17%

Age:

60 and over	33		13%
No Response Provided	48		15%

Sex:

Male	133		45%
Female	165		55%
No Response Provided	13		12%

Currently Employed?

Yes	131		47%
No	145		53%
No Response Provided	35		11%

Annual Household Income:

Under \$10,000	126		48%
\$10,000 to \$20,000	61		23%
\$20,000 to \$30,000	27		10%
\$30,000 to \$40,000	22		8%
\$40,000 to \$50,000	7		3%
\$50,000 plus	19		7%
No Response Provided	49		16%

Benefits Received:

Social Security/Disability	76		46%
Unemployment	10		6%
TANF/Food Stamps	104		63%
Subsidized Housing Benefits	6		4%
No Response Provided or No Benefits Received	147		47%

Education Level:

Less than High School	19		8%
High School/GED	82		35%
Some College	88		38%
College Degree	44		19%
No Response Provided or No Benefits Received	78		25%

Court Case Pending In:

District Court	20		8%
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Justice Court	166		64%
Las Vegas	72		43%
Henderson			0%
North Las Vegas			0%
Other			0%
No Case or No Response Provided	53		17%
Represented by an Attorney:			
Yes	84		32%
No	177		68%
No Response Provided	50		16%
Number of Visits to the SHC:			
One	161		60%
Two	52		19%
Three	21		8%
More	35		13%
No Response Provided	42		14%
Reason for Visit to the SHC:			
Appeal	2		1%
Auto Sale/Lease, Repair, Towing			0%
Consumer Debt or Loan	3		1%
Contract Dispute			0%
Employment Dispute			0%
Foreclosure Mediation Assistant			0%
Garnishment or Execution	5		2%
Guardianship	3		1%
Harassment or Protection Order	7		3%
Homeowner Eviction	23		10%
Judicial Review	1		0%
Landlord/Tenant Dispute or Eviction	122		51%
Mediation	3		1%
Mobile Home Sales, Repairs, or Eviction	21		9%
Personal Injury/Property Damage			0%
Probate	6		2%
Small Claims Case	17		7%
Other	26		11%
No Response Provided	72		23%
Satisfaction Data			
Out of total providing satisfaction information:			
Overall satisfaction:			
Very Satisfied	234		81%
Satisfied	54		19%
Unsatisfied	2		1%
Very Unsatisfied			0%
No Response Provided	21		7%
The staff was knowledgeable and listened to what I had to say:			
Strongly Agree	224		77%
Agree	63		22%
Disagree	2		1%
Strongly Disagree	1		0%
No Opinion	1		0%
No Response Provided	20		6%

The staff's explanations and answers to my questions were clear and understandable:			
Strongly Agree	224		76%
Agree	66		22%
Disagree	2		1%
Strongly Disagree			0%
No Opinion	2		1%
No Response Provided	17		5%
I understand the court process and my situation better now than before I came to the Self-Help Center:			
Strongly Agree	202		68%
Agree	78		26%
Disagree	4		1%
Strongly Disagree			0%
No Opinion	11		4%
No Response Provided	16		5%
The forms and other written materials at the Self-Help Center were clear, helpful, and instructional:			
Strongly Agree	201		69%
Agree	87		30%
Disagree	2		1%
Strongly Disagree			0%
No Opinion	2		1%
Did Not Receive Forms or Materials this Visit	1		0%
No Response Provided	18		6%
In filling out my forms today, the staff's assistance and direction was helpful:			
Strongly Agree	224		76%
Agree	62		21%
Disagree	1		0%
Strongly Disagree			0%
No Opinion	2		1%
Did not fill out forms during this visit	4		1%
No Response Provided	18		6%
The Self-Help Center's website was user-friendly and informative:			
Strongly Agree	142		51%
Agree	52		19%
Disagree	7		3%
Strongly Disagree	1		0%
No Opinion	12		4%
Have Not Visited the Website	65		23%
No Response Provided	32		10%
Other Comments and Suggestions			

Thank you!

Very helpful staff that helped me get all the information & help that I needed.

Very appreciated for their help.

Pam was very pleasant, helpful, and knowledgeable. A true asset to your organization.

I will like to thank Kat for her very sourceful help. I wish we had more people to help and care for others situation. Thanks Kat and staff.

The staff is very helpful friendly compassionate and knowledgeable about the eviction process. All you do is improve but everything is great thank you.

Kat was extremely helpful both times I've come here. She explains everything thoroughly.

All the ladies who assisted me today were very pleasant, courteous and informative, they made me feel so comfortable & confident.

Very professional & helpful staff.

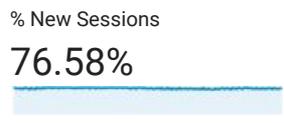
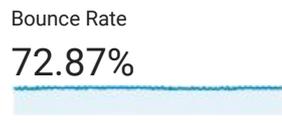
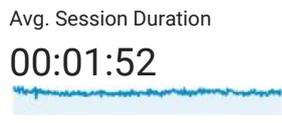
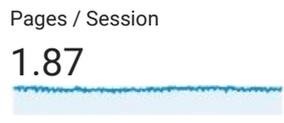
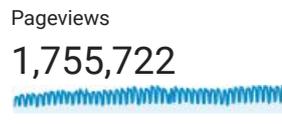
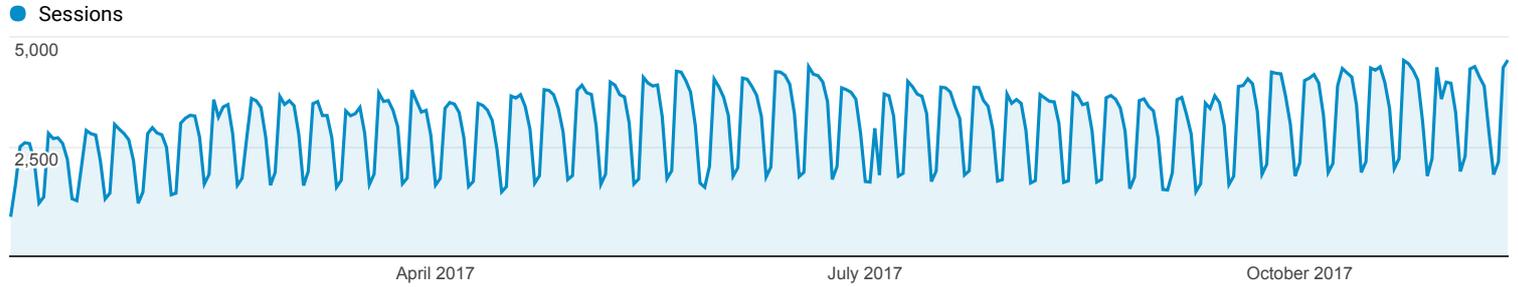
Ms. Pam was incredible. Wow customer service still exists. Was actually a pleasure to be served.
Everyone was very pleasant & helpful & gave us the information we needed.
The staff is very knowledgeable.
The people that helped me are very professional and knowledgeable about the process. I wouldn't have been able to do this without their help.
They were very helpful and help mediate and resolve my concern.
Friendly and helpful. Almost very informative!!
The service is perfect.
Excellent customer service.
Kat was great help with explaining information
Ms. Kat was very understanding and helpful with my situation.
Staff was very helpful
Staff was helpful and had answers.
Very informational and helpful! Never knew that there was a help center Kool :)
I found that what I needed to do was clearly taken care of. And made it easy to understand.
My first experience with the help center was extremely quick, professional, and time conscience. Thanks help center.
Great people. Good atmosphere
Awesome!
God Bless you.
STOP HERE

Audience Overview YTD 11-15-17

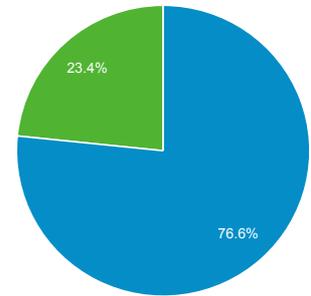
All Users
100.00% Sessions

Jan 1, 2017 - Nov 14, 2017

Overview



New Visitor Returning Visitor



Language	Sessions	% Sessions
1. en-us	877,345	93.63%
2. en-gb	37,184	3.97%
3. en-ca	5,431	0.58%
4. en	3,314	0.35%
5. en-au	3,066	0.33%
6. es-419	836	0.09%
7. zh-cn	811	0.09%
8. en-za	699	0.07%
9. ru	679	0.07%
10. es	515	0.05%

FAMILY LAW SELF-HELP CENTER STATISTICS

August 2017

8/1/2017 to 8/31/2017 (23 operating days)

General

Total number customer interactions (for month)	4770	Total number served in 2017	33,922
Total number of intake forms collected	135	% of parties returning forms	3%
Total number of intake forms sampled	135	% of collected forms sampled	100%

Biographical Data

Ethnicity:

White	23		17%
Black	30		23%
Hispanic	57		43%
Asian	10		8%
American Indian	1		1%
Other	11		8%
No Response Provided	3		2%

Age:

60 and over	7		6%
No Response Provided	13		10%

Sex:

Male	30		24%
Female	93		76%
No Response Provided	12		40%

Currently Employed?

Yes	80		65%
No	43		35%
No Response Provided	12		9%

Annual Household Income:

Under \$10,000	27		25%
\$10,000 to \$20,000	22		20%
\$20,000 to \$30,000	19		17%
\$30,000 to \$40,000	16		15%
\$40,000 to \$50,000	7		6%
\$50,000 plus	18		17%
No Response Provided	26		19%

Benefits Received:

Social Security/Disability	13		30%
Unemployment	3		7%
TANF/Food Stamps	29		67%
Subsidized Housing Benefits	3		7%
No Response Provided or No Benefits Received	92		68%

Education Level:

Less than High School	12		11%
High School/GED	31		27%
Some College	45		39%
College Degree	26		23%
No Response Provided	21		16%

Represented by an Attorney:

Yes	4		3%
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No	119		97%
No Response Provided	12		9%
Number of Visits to the SHC:			
One	48		39%
Two	29		24%
Three	21		17%
More	24		20%
No Response Provided	13		10%
Reason for Visit to the SHC:			
Adoption			0%
Annulment			0%
Child Support	7		5%
Custody	33		25%
Divorce	48		37%
Domestic Partnership			0%
Foreign Judgment			0%
Guardianship	15		11%
Juvenile Matters			0%
Legal Separation			0%
Name Change	12		9%
Paternity	2		2%
Termination of Parental Rights	1		1%
Visitation	5		4%
Other	8		6%
No Response Provided	4		3%
Satisfaction Data			
Out of total providing satisfaction information:			
Overall satisfaction:			
Very Satisfied	116		88%
Satisfied	15		11%
Unsatisfied	1		1%
Very Unsatisfied			0%
No Response Provided	3		2%
The staff was knowledgeable and listened to what I had to say:			
Strongly Agree	122		91%
Agree	12		9%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	1		1%
The staff's explanations and answers to my questions were clear and understandable:			
Strongly Agree	116		87%
Agree	17		13%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	2		1%
I understand the court process and my situation better now than before I came to the SHC:			
Strongly Agree	108		81%
Agree	21		16%

Disagree	1		1%
Strongly Disagree			0%
No Opinion	4		3%
No Response Provided	1		1%
The forms and other written materials at the SHC were clear, helpful, and instructional:			
Strongly Agree	100		75%
Agree	28		21%
Disagree	1		1%
Strongly Disagree			0%
No Opinion	2		2%
Did Not Receive Forms or Materials this Visit	2		2%
No Response Provided	2		1%
In filling out my forms today, the staff's assistance and direction was helpful:			
Strongly Agree	113		84%
Agree	16		12%
Disagree	1		1%
Strongly Disagree	1		1%
No Opinion	1		1%
Did not fill out forms during this visit	2		1%
No Response Provided	1		1%
The Family Law Self-Help Center's website was user-friendly and informative:			
Strongly Agree	79		59%
Agree	13		10%
Disagree	3		2%
Strongly Disagree			0%
No Opinion	8		6%
Have Not Visited the Website	30		23%
No Response Provided	2		1%
Other Comments and Suggestions			

Cynthia was so helpful & kind during a very hard time in my life.

A pleasure walking in and receiving help here. All workers are very helpful.

Super helpful service that explained everything we needed!

Very good attention!

Ms. Guadalupe is always very pleasant.

The person who helped, Guadalupe was extremely kind & considerate.

Representative Guadalupe was extremely helpful and professional.

Ms. Guadalupe was very professional, courteous & helpful. Getting us the forms, information and direction for establishing guardianship for our granddaughters. Ms. G. is one of the best!!!

Staff takes initiative to inform further information that might be helpful to better assist us.

The person helping me was very patient and was a tremendous help.

Very helpful and clearly explaining my documents to me so I understand and correctly filling them out.

Thank you!! The process has been made easy, because of all the help I received from Stephanie truly appreciated.

Staff was friendly and also noticed I am hearing impaired and made sure I heard and understood her.

Guadalupe was very helpful with answering all my questions concerning my paperwork. She also gave me information that was very important to filing my paperwork. She is kind and helpful with all that she helped me with. I was truly impressed. Very thankful for the services that were provided.

For my opinion and experience today I feel good & satisfy for their service, keep it up your good service

God Bless

Excellent service. Thank you.

The staff was very kind and helpful.

Very nice staff

My assistant was Guadalupe and she was great and kind. Thank you Guadalupe for your help.

My most difficult time of my life - This service is extremely helpful - The staff is kind & caring & knowledgeable. Thank you

Guadalupe was very kind, helpful and a great example of how a person who deals with the public should be. She smiled and was warm and helpful.

Wanna thank Guadalupe for helping me. I understood everything. Filled all my papers in time.

The service was really good. I am satisfied.

Guadalupe was a wonderful help. She has great customer service.

Commended - people who might need extra advice or help can receive it here and very nice.

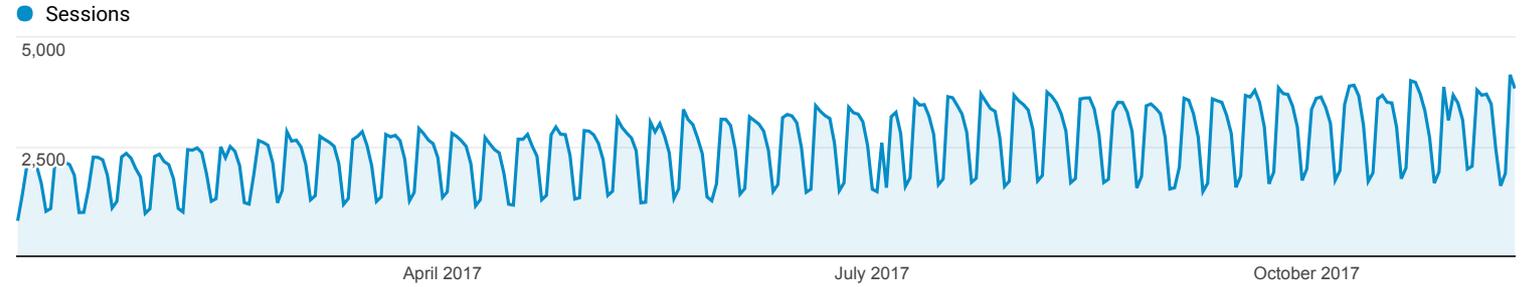
Our clerk has been very kind and helpful @ window 14.

Audience Overview

 **All Users**
100.00% Sessions

Jan 1, 2017 - Nov 14, 2017

Overview



Sessions 790,487	Users 525,816	Pageviews 1,923,009
Pages / Session 2.43	Avg. Session Duration 00:02:24	Bounce Rate 58.15%
% New Sessions 65.79%		



Language	Sessions	% Sessions
1. en-us	755,449	95.57%
2. en-gb	20,621	2.61%
3. en-ca	4,535	0.57%
4. en-au	1,796	0.23%
5. en	1,195	0.15%
6. zh-cn	866	0.11%
7. es-419	781	0.10%
8. (not set)	447	0.06%
9. es-xl	420	0.05%
10. es	333	0.04%

SECOND JUDICIAL DISTRICT COURT SELF HELP CENTER MONTHLY REPORT

January - October 2017

NATURE OF PROBLEM	GENERAL PUBLIC	ATTORNEY OTHER LEGAL PROF	TOTAL
Adoption - Adult	14	1	15
Adoption - Minor	74		74
Alimony / Spousal Support	24		24
Annulment	44		44
Answers / Oppositions	370		370
Appeals to Supreme Court	5		5
Case Management Conference	92		92
Child Support	339	2	341
Community / Separate Property	6		6
Court Hearings	537	2	539
Default	76		76
Divorce - Complaint	637		637
Divorce - Joint Petition	569		569
Domestic Partnerships			0
Domestic Violence / TPO	410		410
Ex Parte Motions	326		326
Emancipation	7		7
Grandparent's Visitation	56		56
Guardianship - Adult	134		134
Guardianship - Minor Child(ren)	568		568
Hague Convention	28		28
Indian Child Welfare Act	3		3
Jurisdiction - Child Custody	27		27
Jurisdiction - Family	23		23
Juvenile Delinquency	4		4
Juvenile Dependency			0
Legal Separation	29		29
Mediation	49		49
Military	6		6
Minor Marriage			0
Motion	947	4	951
Name Change - Adult	88		88
Name Change - Minor	77		77
Objection to Master's Recommendation	62		62
Partnership Dissolution			0
Paternity	47		47
Petition to Correct Birth Certificate	12		12
Petition to Domesticate/Foreign Decree	22		22
Petition to Establish Cust/Vis	714		714
Pick Up Orders	11		11
Post or Pre-Nuptial Agreement			0
QDRO / Retirement	8		8
Settlement Conference	20		20
SRL/Fee Waiver	391		391
Stalking / Harassment	21		21
Stipulations	81		81
Subpoena / Deuces Tecum	18		18
Surrogacy			0
Termination of Parental Rights	132		132
Trial	9		9
Voluntary Dismissal / Withdrawal	52		52
Other	1208		1208
Notary	239		239
Spanish Speaking General Public	113		113
Nevada Legal Services Forms Clinic	87		87
Washoe Legal Services Forms Clinic	1156		1156
TOTAL			9981

Q-MATIC STATISTICS

DATE	MONDAY	TUESDAY	WED	THURS	FRIDAY	TOTAL
1/01/17-10/31/17	1735	1514	1423	1354	630	6656
TOTAL	1735	1514	1423	1354	630	6656

Q-MATIC INTERVAL TIMES

INTERVAL	1/1/17-10/31/17
8:00 AM - 10:00 AM	1319
10:00 AM - 12:00 PM	2044
12:00 PM - 3:00 PM	2235
3:00 PM - 5:00 PM	1058
TOTAL	6656

TELEPHONE CALL STATISTICS

TIME	GENERAL PUBLIC	ATT / OTHER LEGAL PROF	TOTAL
8:00-10:00 AM	883	16	899
10:00-12:00 PM	928	19	947
12:00-3:00 PM	897	10	907
3:00-4:30 PM	419	6	425
TOTAL	3127	51	3178

Downloads from Website

TOTAL	52989
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YEAR-TO-DATE STATISTICS FOR JANUARY-OCTOBER 2017

VISITS

GENERAL PUBLIC	TIME OF DAY	ATTORNEYS/LP	TIME OF DAY
Morning	1795	Morning	152
Late morning	3480	Late morning	258
Afternoon	3930	Afternoon	221
Late afternoon	3510	Late afternoon	96
Evening	1740	Evening	91
VISITS	14,455	VISITS	818
			TOTAL VISITS 15,273

REFERRED BY-GENERAL PUBLIC

REFERRING AGENCY	COUNT
Court	25
Internet	0
Friend	0
Social Agency	9
NLS	0
WLS	0
TOTAL REFERRALS	34

USAGE

ELECTRONIC	COUNT
Circulation of Books	187
Inhouse Usage	1353
Westlaw Searches	17,701
EBSCO	43
Internet/Contexte	734
Email-Ask a Librarian	95
TOTAL ELECT. USAGE	20,113

REFERENCE-GENERAL PUBLIC

REFERENCE QUESTIONS	COUNT
Adoption/Term Parental Rights	64
Answer to Complaint	73
Changing/Correcting Birth Record	16
Child Custody	205
Child Support	78
Divorce/Annulment/Separation	333
Domestic Violence/TPO/EPO	91
Family Court Packets/Procedures	308
Grandparents Rights/Visitation	16
Guardianship-Adults/Minors	210
Name Change-Adults/Minors	102
Motions/Notice/Emergency	201
Oppositions/Objections	40
Paternity	24
Administrative Law/Judicial Review	20
Answers/Civil	24
Appeals	13
Bankruptcy	11
Business/Commercial	5
Civil Complaints/Petitions	65
Civil Procedure-State/Federal	20
Civil Rights/Constitutional Law	10
Consumer	5
Contract	7
Criminal Law/Defense	59
Disability/ADA	8
Employment/Labor	11
Immigration	7
LGBTQ Rights	21
Landlord/Tenant Law	41
Medical Malpractice	6
Military Benefits/Veterans' Rights	10
Personal Injury/Damages	17
Probate/Wills/Estate Planning	122
Real Estate/Foreclosure	26
Rogue Title	79
Sealing of Criminal Records	165
Small Claims Procedure	8
Spanish Speaking	72
Taxation	2
Worker's Compensation	2
Library Catalog/Circulation	47
Copier Use/Change	1281
Internet/Contexte	593
Lawyer in the Library Referrals	846
Westlaw	130
Copies of Court Records	103
Referrals to Other Services	258
Other	426
TOTAL	6281

REFERENCE-ATTORNEYS/LEGAL PROFESSIONALS

REFERENCE QUESTIONS	COUNT
Adoption/Term. Parental Rights	0
Answer to Complaint	0
Changing/Correcting Birth Record	0
Child Custody	0
Child Support	0
Divorce/Annulment/Separation	3
Domestic Violence/TPO/EPO	0
Family Court Packets/Procedures	1
Grandparents Rights/Visitation	0
Guardianship-Adults/Minors	1
Name Change-Adults/Minors	1
Motions/Notice/Emergency	0
Oppositions/Objections	0
Paternity	1
Administrative Law/Judicial Review	2
Answers/Civil	0
Appeals	1
Bankruptcy	1
Business/Commercial	1
Civil Complaints/Petitions	0
Civil Procedure-State/Federal	2
Civil Rights/Constitutional Law	1
Consumer	0
Contract.	0
Criminal Law/Defense	1
Disability/ADA	0
Employment/Labor	1
Immigration	1
LGBTQ Rights	0
Landlord/Tenant Law	0
Medical Malpractice	1
Military Benefits/Veterans' Rights	0
Personal Injury/Damages	0
Probate/Wills/Estate Planning	3
Real Estate/Foreclosure	1
Rogue Title	0
Sealing of Criminal Records	0
Small Claims Procedure	0
Spanish Speaking	0
Taxation	0
Worker's Compensation	0
Library Catalog/Circulation	140
Copier Use/Change	53
Internet/Contexte	135
Lawyer in the Library Referrals	0
Westlaw	476
Copies of Court Records	3
Referrals to Other Services	0
Other	130
TOTAL	956

REFERENCE-PHONE CALLS

GENERAL PUBLIC	COUNT	ATTORNEY/LP	COUNT
TOTAL	1821	TOTAL	164
		TOTAL PHONE CALLS	1985

LAWYER IN THE LIBRARY

PARTICIPANTS	COUNT	PARTICIPANTS TURNED AWAY	COUNT
Lawyer in the Library-Family	525	Lawyer in the Library-Family	19
Lawyer in the Library-General	404	Lawyer in the Library-General	27
Lawyer in the Library-Probate	60	Lawyer in the Library-Probate	0
TOTAL ATTENDANCE	989	TOTAL TURNED AWAY	46



ACCESS TO JUSTICE COMMISSION

ONE Promise Nevada Subcommittee Meeting

Monday, April 24, 2017 9:00 AM

Present

Justice Michael Douglas
Justice James Hardesty
Barbara Buckley
James Conway
Max Couvillier
Bill Curran
AnnaMarie Johnson
Julie Mogensen
Sugar Vogel

Staff Present

Angela Washington

The ONE Promise Nevada/Legal Services Providers Retreat Follow Up Meeting was called to order at 9:12 am.

The first item on the agenda for discussion was the legal needs assessment and a review of the suggestions made at the March Access to Justice Commission meeting, including:

1. The establishment of a subcommittee to address the legal needs assessment;
2. The collection of the project's demographic information and how this information will be collected; and
3. Suggestions for the assessment that were raised at the March Access to Justice Commission meeting

The subcommittee agreed that the composition of the committee would be limited to those in attendance at that meeting. Additionally, the subcommittee discussed various options for the collection of demographics, including the securing of a Boyd Law student who could perform work through an extern program at the law school. The extern program will be explored further with Dean Smith at Boyd Law School. Lastly, the subcommittee decided that it should meet again before meeting with Dr. Smith of the The Resource for Great Programs. Also, the meeting with Dr. Smith shall be conducted via video conference.

The next item on the agenda for discussion was funding and fundraising for legal services. The discussion began with general observations of the IOLTA Program and Bank of America funding allocated to Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, VARN and Washoe Legal Services. Additionally, a communication from the Nevada Bankers Association regarding the IOLTA rate was discussed. Also, several suggestions were made during the discussion, including establishing a fundraising subcommittee of the Access to Justice Commission, which would not



include membership from the legal services organizations; conducting a small campaign, and perhaps considering specific staffing to address fundraising. From the discussion, it was decided that Justice Douglas and Justice Hardesty would meet with the Nevada Bankers Association and that Justice Douglas and Justice Hardesty would meet with Connie Akridge, Kim Farmer and the other officers of the Nevada Bar Foundation to discuss the concerns that were raised in this meeting, including fundraising.

The last discussion item on the agenda was the ONE Campaign and the Ambassador Program. Justice Hardesty requested a study on how large firms have donated and have done pro bono work so that the results could serve as a foundation as to how funding for legal services is pursued in the future. Also, it was discussed and agreed that focus should turn to the Dues Check Off program with less focus on the ONE Campaign, particularly the monetary donations for the ONE Campaign.

Other business that was brought before the subcommittee included legal services activities at the State Bar's Annual Meeting and follow up on Nevada Attorney General's information request regarding the amount of LSC (Legal Services Corporation) funding that had been received. Anna Marie Johnson agreed to follow up with the Attorney General regarding the request.

The meeting was adjourned at 10:20 am.



ACCESS TO JUSTICE COMMISSION

Nevada IOLTA Meeting
Highlights
Thursday, September 14, 2017 – 3:30 p.m.

Present Organizations

Justice James Hardesty, Nevada Supreme Court
Kimberly Farmer, State Bar of Nevada
Connie Akridge, Nevada Bar Foundation
Brad Lewis, Access to Justice Commission
Phyllis Gurgevich, Nevada Bankers Association
Sam McMullen, Advisor, Nevada Bankers Association
Connor Cain, Advisor, Nevada Bankers Association

Present Financial Institutions

Randy Boesch, Nevada State Bank
Rachelle Crupi, Bank of Nevada
Sarah Guindy, Bank of Nevada
David Howell, Wells Fargo
BJ North, Plumas Bank
Chad A. Osorno, Wells Fargo Nevada
Chris R. Swendseid, Meadows Bank
James R. York, Valley Bank of Nevada

Present Legal Aid Providers

Barbara Buckley, Legal Aid Center of Southern Nevada
James Conway, Washoe Legal Services
Elana Graham, Southern Nevada Senior Law Program
Annamarie Johnson, Nevada Legal Services
Noah Malgeri, Legal Aid Center of Southern Nevada

Justice James Hardesty opened the meeting by welcoming all present and then reviewing the history of IOLTA in Nevada. Key highlights included:

- 1983: IOLTA rules first established on a voluntary basis.
- 1993: Opt-Out IOLTA participation required.
- 2008: In 2008 the Supreme Court Rules were amended to convert the IOLTA program from opt-out to a comprehensive program. Prior to 2008 most Nevada financial institutions paid less than .1% on IOLTA accounts at the same time the federal funds rate stood at 4.5%. Nevada rates were significantly lower than rates paid in any other state.
- 2009: The IOLTA program had a Preferred Partner Bank program promoted by the Nevada Law Foundation. Several banks offered rates ranging from 1.2% to 2.15%
- 2010: In December 2010, the rate was lowered from 1.2% to 0.75%. This rate reduction came from ongoing bank communications and was indicative of the economy at the time.



- 2012: IOLTA interest rate was last lowered in September of 2012 from 0.75% to 0.70%
- Since 2012 the fixed rate for those electing to participate is .70% and has remained at that rate for the past five (5) years
- Twice each year, the Nevada Supreme Court Access to Justice Commission asks for feedback from banks related to IOLTA which is taken into consideration when setting the rate for the next period by the Commission
- The Nevada legal profession is heavily involved in supporting legal aid to citizens in need
 - 2016: 100,958 hours of pro bono representation was provided to low income citizens
 - Translated to billable hours, this represents more than a \$25,239,000 contribution from the legal community
- More than 97% of IOLTA dollars are directly granted to legal aid providers

Justice Hardesty then turned over the room to Nevada's core legal aid providers. Each of the core providers outlined the breadth and depth of civil legal services provided to those of limited means in Nevada, including: bankruptcy, child advocacy, divorce, domestic violence, wills and estates, healthcare, homelessness, housing, foreclosure, family, guardianship, immigration, LGBTQ, tribal, veterans and more. This not only includes direct legal representation but self-help services such as legal clinics. Hundreds of free legal clinics and self-help opportunities are provided each year to the poor and middle class.

Some shared stories outlining the tremendous need and critical assistance provided to Nevada citizens. All thanked the financial institutions for their commitment to community investment. Some shared examples of the vital services IOLTA supports, how the funds are transformative to their organizations and that IOLTA funds are some of the few funds that can be counted on to provide consistent, quality services to those in need.

Nevada Bankers Association CEO Phyllis Gurgevich began by noting the impressive 97% of funds from IOLTA being granted directly to legal aid providers. She also suggested the work of the legal aid providers was tremendous. Ms. Gurgevich outlined that, while the fixed rate paid in Nevada offers stability to legal aid program funding, in the current rate and economic environment that it comes at a cost to financial institutions and wants the access to justice partners to be aware of these factors. She suggested that we look to other states for best practices and actively pursue additional funding sources and encouraged that stable IOLTA funding should not preclude these activities. Ms. Gurgevich also suggested that, while not the major issue related to IOLTA from a financial institution perspective, assistance offered with obtaining CRA credit would be a positive. She also stated she liked the idea of adding banks to the Commission membership.

Financial institution participant commentary included:

- Appreciation of the historical overview offered
- Banks want to participate in IOLTA
- IOLTA rates paid are higher than on most other accounts with exception of a small handful of premier customers at select banks
- For some banks, it is not considered a viable option to NOT participate in IOLTA
- For other banks, it is not considered a viable option TO participate in IOLTA, due to hard costs. This is especially true for the smallest state chartered banks.



- Banks can offset some of the expense when IOLTA accounts are combined with operating accounts
- Banks are not seeing the opportunity to raise rates unless substantially increased Fed rate
- Any immediate increase in the IOLTA interest rate would give banks pause
- Assistance with CRA would be a benefit
- Looking into tiered rate options would be welcome
- A review and enhancement of meaningful recognition for IOLTA banks is desirable
- Banks are community-minded and want to invest in Nevada
- IOLTA is one small portion of the community investments made by banks

Justice Hardesty appreciated the feedback and responded to some points:

- We will do what we can to help with CRA
- Has seen great examples of banks leveraging IOLTA to strengthen banking relationships
- We should look into programs where certain banks agree to pay rates above and beyond the required 0.70% rate, say 1-2%, due to special benefits offered in return
- Suggested Nevada Bar Foundation liaisons to banks could be reconsidered
- We can work on enhanced recognition, we need to know what's valuable to banks

Participants agreed that a taskforce should be formed to continue the dialogue and come up with ideas to address the key issues noted below as a start and tasked Brad Lewis and Phyllis Gurgevich to lead that effort. The taskforce will:

- Explore steps needed to assist banks in obtaining CRA credit
- Review IOLTA programs in other jurisdictions, specifically those with a tiered interest rate structure
- Develop a plan to assist banks in expanding client relationships beyond IOLTA accounts
- Develop a plan for enhanced recognition of bank involvement in the IOLTA program

Other follow up items include:

- The Nevada Bar Foundation (NBF) will look into appointing bank liaisons from the NBF
- Provide banks with an overview and list of banks participating in the IOLTA program



ACCESS TO JUSTICE COMMISSION

IOLTA Subcommittee Meeting Recap - Draft
Tuesday, October 31, 2017 – 2:00 p.m.

Present

Justice Michael Douglas
Justice James Hardesty
Connie Akridge
Sarah Guindy
Phyllis Gurgevich
BJ North
Noah Malgeri

Staff Present

Kim Farmer
Brad Lewis

The meeting was called to order at 2:09 p.m.

Justice Hardesty began by asking for a roll call followed by a request for comments or changes to agenda. Phyllis Gurgevich added that she'd like to discuss other funding sources for legal aid providers beyond IOLTA, which was agreed. He then asked if the group read and agreed with the meeting recap from September 14. All agreed.¹

CRA Credit – The first agenda item dealt with learning how banks are able to obtain CRA credit for their contributions through IOLTA. It was shared that bankers are cautious about which inquiries and potential complaints are voiced with regulators. However, FDIC was reached out to and shared that financial institutions may potentially receive IOLTA credit. (Including exact language with interpretation from Phyllis):

“A financial institution may not receive Investment Test credit for the paying of interest, paying additional interest, or the waiving or reduction of fees on a deposit account. Only if a financial institution makes a charitable contribution/grant that has community development as its primary purpose may Investment Test credit be given. If an institution offers IOLTA accounts that primarily benefit low- or moderate-income individuals, it may receive consideration under the Service Test.

Thanks, Matt Sheeren, Review Examiner, FDIC, Division of Depositor and Consumer Protection”

Nevada Bankers Association: We interpret the above to state there is no Investment Test credit for IOLTA. Investment Test is the harder to achieve, more heavily weighted and greater share of required contributions. Additionally, consideration under the Service Test (an area where there is no challenge in finding numerous qualified opportunities) may provide credit for IOLTA. Our members experience has been that the consideration has 100% of the time led to no credit given. Our members' goal is primarily to receive Investment credit for the amount of interest that exceeds a comparable account rate, and secondarily acknowledgement that required IOLTA rate in Nevada is at a direct hard dollar cost to banks.

It was suggested that if banks can track where funds go, that it would probably help with CRA credit requests. It was shared that legal aid providers and the Nevada Bar Foundation do collect data including legal concern breakdowns, counties served at what levels and more. It was agreed that the Nevada Bankers Association and bank partners would continue outreach to obtain feedback on what is necessary in order for Nevada IOLTA to be counted for CRA credit.



The Oregon documents were then briefed, including CRA Acknowledgement, CRA Donation Credit Excel document calculation, and Community Development Donations Excel document. It was discussed that banks should let us know if providing these documents may support bank efforts to qualify for CRA. B.J. North then added that we might consider translating regular “interest payments” into “grants”, thinking that this could move IOLTA donation dollars into a completely separate bucket for potentially more favorable CRA treatment. It was shared that during background research, at least one state had language referencing “charitable contributions” and that more information on any related practices would be sought.

Tiered Rates – Tiered rates, or Partnership Bank Programs, were discussed, including a reference to the related research conducted.

It is the belief of the Nevada Bankers Association that to move this conversation forward we need to be direct and clear about voluntary versus mandated rates in the programs we are using for comparison. Building a program with this acknowledgement will be a key to success. The voluntary versus mandate may also be required to support a move from “interest” to “grant” or “charitable contribution” where CRA credit could be achieved. We would also need to establish some base from which we begin to define tiers.

Brad will explore this with fellow IOLTA programs and Phyllis will explore as well as we work to determine what changes need to be made to obtain credit.

Phyllis paraphrased from the following notes during the meeting: Oregon has no mandate minimum rate to offer an IOLTA account and the rest of the programs we reviewed or were referenced (DC, CT, TX, NH, MA, MD, WA, SC) mandate a minimum rate that is comparable to the rate given on a like size account. Oregon, the program referenced most, has some IOLTA accounts only receiving an interest rate comparable to a business checking account rate. Additionally, Oregon bankers that voluntarily participate in the Partnership Bank Program pay those higher rates to larger accounts (typically about 25K) with smaller accounts receiving lower rates.

It was noted that none of the recognition was particularly unique but that a partnership spirit was built between banks and bar foundations with programs designed to leverage bar access and connections with the legal community to deliver higher level recognition for Partnership Banks in exchange for enhanced IOLTA interest rate premiums. Most states offering Partnership Bank Programs had voluntary rates from .70% to 2% with 1% being a common Partnership Bank premium rate. Phyllis Gurgevich said most states with Partnership Bank Programs have voluntary opt-in programs without mandatory rates and minimum mandated rates, if any, are paid interest comparable to a like-sized account.

Recognition – Much discussion surrounded the approach to recognition banks may want in return for IOLTA participation. Sample Oregon Law Foundation documents from the agenda support packet was reviewed. Brad outlined Oregon differed from most programs that were focused on “where you bank matters”, having a more emotional appeal and featuring both banker and lawyer testimonials supporting IOLTA. The consensus of the discussion rested on two key concepts. The first was to make a closer connection directly with legal aid providers offering services to tell the story of the hands-on, mission-based work being conducted, and its impact on real people and the quality of life in our Nevada communities. The second was to “put the community back in ‘community’” in the way we, as partners in IOLTA, position IOLTA and its value. With the focus being less on “interest” than “impact”, using stories and videos to communicate the message most effectively.

The Nevada Bankers Association makes clear that, beyond a mere pass-through, banks shoulder actual hard costs, meaning much of Nevada IOLTA dollars are donation dollars.



One specific idea for the future was to give stage recognition at legal aid provider events to keep front-of-mind the significant contribution of IOLTA financial institutions to the funding of legal services for those of limited means in our communities.

Assisting Banks Expand Client Relationships – Another idea for the future was to inviting bankers to lawyer events, and lawyers to banker events to foster meaningful relationships. Piggybacking on the “donation” concept, it was suggested that IOLTA be viewed as a “donation” v. “interest rate paid” for the purposes of recognition. Justice Hardesty asked the bankers and Connie Akridge if reinstating the Nevada Bar Foundation liaisons was worthwhile. Both said they were supportive of the concept. Justice Hardesty noted that assistance would be needed from the Bankers Association on providing the correct bank contact for liaisons. He also suggested that any support we could offer to assist with localizing banking relationships could be considered, if valuable.

Legal Aid Funding Beyond IOLTA – We then took up the topic of legal aid funding beyond IOLTA. It was agreed that Brad would put together both various legal aid provider funding profiles as well as relevant court set asides and filing fees to be shared with the group.

Commission Membership and Rule Exception – Justice Hardesty invited the Nevada Bankers Association to name one or two bankers to participate as members of the Access to Justice Commission. Sarah Guindy shared that it enhanced her understanding and ability to discuss the program within her institution and community. The rural IOLTA exemption was also briefly touched upon with Justice Hardesty reminding the bankers of the program and welcoming the ability to address any issues being experienced.

The meeting summary was focused on continued dialogue and proceeding in the spirit of partnership to create a mutually beneficial IOLTA program for all Nevada constituencies, and that by shifting perspective on IOLTA from an interest rate focus to a community service focus in our communications would support that effort. It was agreed that a January date would be identified for a follow-on meeting.

The meeting was adjourned at 3:22 p.m.

Follow up items -

- Phyllis/bank partners to continue outreach to determine what is needed to obtain CRA credit and advise if any reference documents would be a part of obtaining credit
- Brad to investigate other states voluntary versus mandated rates as related to Partnership Bank Programs and suggest ideas for consideration for a Nevada Partnership Bank Program
- Phyllis and Brad to investigate if other states “convert” interest rates to “grants” and use “donations” as a way to earn CRA credit
- Phyllis to assist with naming bank contacts as liaisons with Nevada Bar Foundation
- Brad to gather legal aid provider funding sources beyond IOLTA to share with group
- Phyllis to recommend Nevada bankers to become members of the Access to Justice Commission
- Brad to issue Doodle poll for January meeting

¹ Barbara Buckley (attended 9/14, not 10/31) noted that she believed the historic Nevada IOLTA rate shared in the IOLTA recap and 9/14 minutes should have been .1% v 1%. A review confirmed that and updates were made.

ATJC ONE Campaign Ambassador Best Practices –

One Client. One Attorney. One Promise Nevada.

Leading ONE Campaign Ambassador volunteers agree that proactive pro bono solicitation through the ONE Promise Nevada Campaign Ambassador Program can be an effective method of gaining pro bono participation. Accordingly, they have developed a sampling of methods from both a Section and legal service provider perspective that offer best practices for leveraging the ONE Ambassador Program for maximum success. It is agreed that a discussion on how to best fund these initiatives is pursued. Following are some key ideas for success.

Best Practices from the Family Law Section (Section/Pro Bono/Volunteer Perspective)

- Actively solicit written “pledges” to volunteer for pro bono activities
- Include on the list all prior lawyers who made the “pledge”, along with their colleagues
 - Promo example
 - Delivering individual gift boxes with donuts to law offices along with the pledge form for this year’s campaign. Arrange for cars, drivers and a delivery passenger for each car
 - Get participant law firms to cover the costs
- Send pledges to the appropriate legal service provider for case/task assignment
- Create a “challenge” for pro bono pledgers to get someone else from their firm to participate or a Section to Section challenge
- Work with a legal service provider to present pro bono at a Section bench/bar meeting
- Add a fun awards ceremony or reception to a Section CLE

Best Practices from the Legal Service Provider Perspective

The ONE Campaign is an excellent and appealing concept, and should continue. There is unique value in the Ambassador Program and it is not redundant of the work done by the legal services organizations. Ambassador activities should be coordinated with legal services pro bono efforts. The ONE Campaign Subcommittee is positioned well to come up with “fun” ways to encourage pro bono and come up with additional thoughts on how to formally recognize Ambassador’s work.

Support from the Access to Justice Commission

The Access to Justice Commission can support by:

- Leveraging Justices:
 - To lead informational and recruitment luncheons to generate interest in, awareness of, and enthusiasm for pro bono participation
 - To recognize pro bono volunteers at appropriate events
- Helping Sections recognize pro bono volunteers, including through:
 - *Nevada Lawyer*

- Inspire ONE! “Certificates of Appreciation” for pro bono volunteers and firm “100% Club” recognition for having all firm lawyers involved in pro bono
- Communicating the value of acting as an “Ambassador” to lawyer’s employers and lawyers generally
- Share what works and what doesn’t with Ambassadors and Sections
- Share ONE promotional items with program advocates to help spread the word

Memorandum

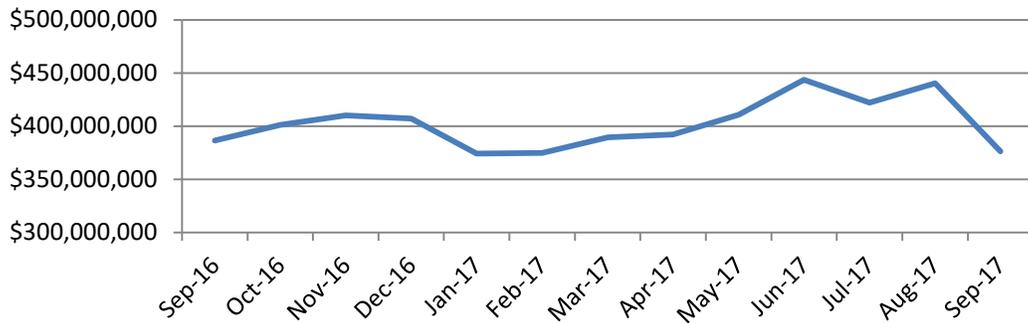
To: Access to Justice Commission and State Bar of Nevada
 From: Nevada Bar Foundation
 Date: November 16, 2017
 Prepared by: Matt Larson

Re: Monthly IOLTA Update

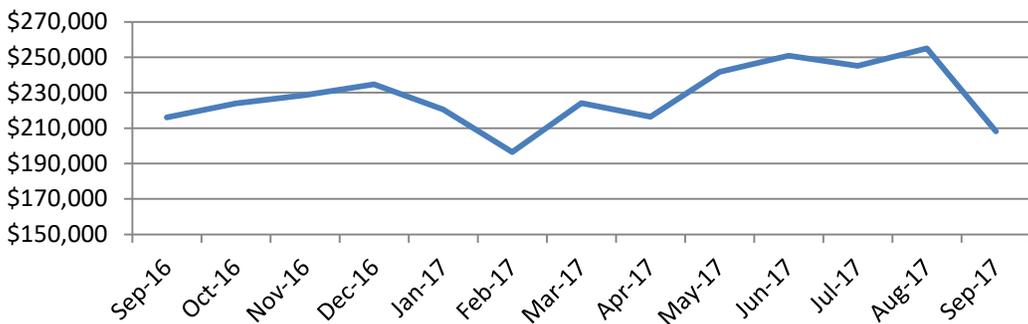
I. September 2017 IOLTA at-a-glance

	2017	2016
Total IOLTAs	3,125	3,033
Amount on deposit	\$376,145,250	\$386,491,486
Total reported interest accrued	\$208,055	\$215,960
Year-to-date remittance	\$2,058,360	\$1,919,809

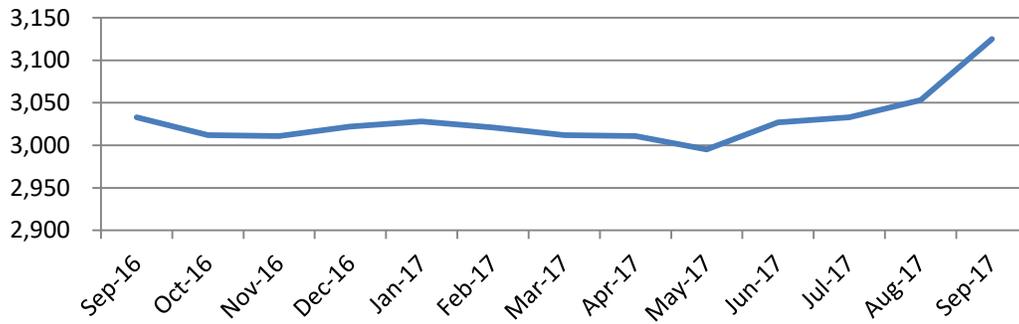
Amount On Deposit



IOLTA Revenue



IOLTA Accounts



II. Financial institutions meeting requirements set forth in Rule 217

A. Financial Institutions with *at least* 25 IOLTAs

Financial Institution	Accounts	Weighted Avg. Interest Rate	Total Bank Principal Balance	Remittance	YTD Remittance
Bank of America	567	0.70%	\$ 68,356,480.81	\$ 39,325.79	\$ 311,753.63
Bank of George	26	0.70%	\$ 9,971,294.46	\$ 5,738.52	\$ 54,522.75
Bank of Nevada/First Independent	440	0.70%	\$ 57,411,874.08	\$ 30,934.49	\$ 528,323.84
Bank of the West	42	0.70%	\$ 9,848,982.80	\$ 5,585.15	\$ 44,010.01
Chase Bank	136	0.70%	\$ 16,861,866.00	\$ 9,373.88	\$ 93,195.43
Citibank	65	0.70%	\$ 5,069,051.99	\$ 2,818.13	\$ 23,668.45
City National Bank	101	0.70%	\$ 30,327,728.00	\$ 16,867.60	\$ 169,017.80
Heritage Bank	55	0.70%	\$ 6,014,014.49	\$ 3,343.62	\$ 32,929.27
Meadows Bank	32	0.70%	\$ 6,282,884.69	\$ 3,734.30	\$ 39,621.37
Nevada State Bank	440	0.70%	\$ 57,411,874.08	\$ 30,934.49	\$ 272,378.09
U.S. Bank	250	0.75%	\$ 24,687,480.00	\$ 14,432.19	\$ 104,915.29
Wells Fargo	854	0.70%	\$ 73,802,829.03	\$ 37,700.33	\$ 323,510.96
TOTAL	3,008		\$ 366,046,360.42	\$ 200,788.49	\$ 1,997,846.89

B. Financial institutions with fewer than 25 IOLTAs[‡]

Financial Institution	Accounts	Weighted Average Interest Rate	Total Bank Principal Balance	Remittance	YTD Remittance
American First National Bank	2	0.70%			\$ 496.17
Financial Horizons Credit Union	1	0.70%			\$ 45.28
First Foundation Bank	1	0.70%			\$ 605.84
First Savings Bank	14	0.75%			\$ 11,103.96
First Security Bank of Nevada	9	0.70%			\$ 4,426.01
Mutual of Omaha	15	0.70%			\$ 2,986.74
Nevada Bank & Trust	8	2.25%			\$ 10,570.04
Northern Trust Bank, FSB	4	0.69%			\$ 4,906.44
Plaza Bank	11	0.70%			\$ 8,647.26
Plumas Bank	3	0.70%			\$ 793.65
Royal Business Bank	2	0.75%			\$ 107.54
Silver State Schools Credit Union	7	0.70%			\$ 297.83
Town and Country Bank	5	0.70%			\$ 1,447.58
Umpqua Bank	14	0.70%			\$ 1,434.79
Valley Bank of Nevada	10	0.70%			\$ 11,426.69
Washington Federal Bank	11	0.70%			\$ 1,217.30
East West Bank*	0	0.00%			\$ -
TOTAL	117		\$10,098,889.61	\$7,266.12	\$60,513.12

*East West Bank does not currently hold any active IOLTA accounts

[‡]IOLTA remittance or average amount on deposit is not reported for financial institutions with fewer than twenty-five IOLTAs to maintain attorney-client and financial institution-attorney confidentiality.

STATE BAR OF NEVADA

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Las Vegas, NV 89102
Phone 702.382.2200 Fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
Phone 775.329.4100 Fax 775.329.0522

The 10/1/17 Las Vegas Shooting Tragedy:

The Nevada legal community was quick to respond to the October 1, 2017 Las Vegas shooting. Legal Aid Center of Southern Nevada (LACSN) provided immediate legal help onsite at the Family Assistance Center and acted as a clearinghouse for legal needs of victims and families. For matters outside of Nevada, the State Bar of Nevada, through the Access to Justice Commission, helped out-of-state victims and families with matters in other states and Canada. While this has been a significant undertaking, to date we have assisted 13 victims/families with 11 issues. Primary issues have been probate and child custody. We will continue to facilitate legal assistance as long as the need remains. A comprehensive legal and financial toolkit was developed by LACSN and is available by request.

Celebrate Pro Bono Week 2017:

ATJC developed a comprehensive statewide list of free legal advice sessions, clinics, Ask-A-Lawyer events and CLEs for Celebrate Pro Bono Week 2017. More than 90 free sessions were offered throughout the state in Carson City, Henderson, Las Vegas, Pahrump, and Reno. A media release was issued and the complete listing was made available on the ATJC website at www.onepromisenevada.org. This year, in addition to the State Bar of Nevada, its Young Lawyers Section and Nevada legal aid providers, sponsors included Vegas PBS, Clark County Law Library, Small Business Development Center, Las Vegas-Clark County Library District, and Ombudsman of Consumer Affairs for Minorities.

Publicity Initiatives - Website and Social Media Enhancements:

Each page of the ATJC website www.onepromisenevada.org has been updated. Additionally, ATJC has increased its social media presence on Twitter. Since August 15 we have 72 tweets, 25,609 impressions, 1593 profile visits, 22 mentions and 49 new followers.

We encourage you to follow us **@NevadaATJ**.