



## ACCESS TO JUSTICE COMMISSION

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Access to Justice Commission Meeting Minutes  
Friday, June 14, 2019 – 2:00 p.m.

### **Commission Members Present**

Justice James Hardesty  
Justice Kristina Pickering  
Connie Akridge  
Latoya Bembry  
Julie Bobzien  
Bobbette Bond  
John Desmond  
Bronagh Kelly  
Judge Joanna Kishner  
Noah Malgeri  
Megan Ortiz  
Judge Bridget Robb  
Judge John Schlegelmilch  
Glen Stevens  
Alexis Taitel  
E. Alan Tiras  
Anne Traum  
Sugar Vogel  
Judge Nathan Tod Young

### **Guests Present**

Phyllis Gurgevich  
Justin Iverson  
Bridgette Reyna Meadows  
Christine Smith  
Brittni Tanenbaum  
Summer Youngquist

### **Staff Present**

Brad Lewis

### **Call to Order/Roll Call/Minutes**

The Access to Justice Commission (Commission) meeting was called to order. Justice Hardesty welcomed new Commission members Bobbette Bond, Culinary Health Fund, and the transitioning UNLV William S. Boyd School of Law Public Interest Law Association presidents, outgoing Megan Ortiz, and incoming Alexis Taitel. A roll call was conducted and approval of the March 22, 2019 minutes was requested. The minutes were unanimously adopted with no changes.



### **Nevada Civil Legal Needs Assessment**

Advancing on the legal needs study has now turned to finalizing the informational brochure as well as publicity and speaking plans to communicate what access to justice is, key findings from the recent study, benefits delivered by legal aid, and how Nevada communities can support access to justice. We first reviewed and discussed the informational brochure. It was determined that Brad would incorporate feedback and send a final version for a vote by email. We then reviewed both the publicity and speaking plans with a brief discussion. It was agreed that each person could share the information most appropriate and comfortable for them depending on the audience. Speaking opportunities will be supported by the informational brochure, a short video, and a customizable PowerPoint that can be edited by each speaker for their purposes. It is hoped the email vote can be timed so that the final brochure is able to be printed and ready for the State Bar of Nevada meeting to be held June 27-29.

Related to speaking opportunities it was discussed that the focus should be on education, not fundraising. It was emphasized that rural outreach is appropriate and that Rotary Clubs are a viable presentation vehicle. Bronagh Kelly offered to reach out to the Reno Chamber of Commerce as Woodburn and Wedge is a longtime member. Bobbette Bond suggested she can assist with entrée to the labor community.

### **IOLTA - Rate Review**

The recent change to the IOLTA rate was reviewed and discussed. On June 1, 2019, after many discussions with Nevada IOLTA-participating financial institutions, the Nevada IOLTA rate, long set at 0.70% for many years, was increased for accounts at or above \$150,000 in any given month. Rates for accounts with balances below \$150,000 in any given month remain at 0.70%. To date, there has been no push back on the new rates announcement. Connie Akridge shared her thanks on behalf of the Nevada Bar Foundation for the efforts put forth. Phyllis Gurgevich of the Nevada Bankers Association shared that it seemed to go over "OK" but that small banks still may have concerns regarding participating in the future. She also shared that while the rate increase was made in an environment of rising rates, that rates also fall and that should also be taken into account in the future.

### **IOLTA - SCR 217**

Supreme Court Rule 217 governs the creation and maintenance of interest-bearing trust accounts. A revised SCR 217 was shared with the Commission for review and feedback. Justice Hardesty asked for any questions or input before asking for a vote. No feedback was shared. Judge Kishner moved the revised SCR 217 be adopted as is and Connie Akridge seconded. There was no discussion and the vote passed unanimously.

### **IOLTA – Financial Institution Recognition**

We have advanced on ideas discussed by the IOLTA Subcommittee to improve recognition of financial institutions for participating in Nevada IOLTA. This includes benefits received by newly named



“Leadership Institutions” and “Sustaining Financial Institutions”, a new web page, new advertising, and more. A complete fact sheet on Nevada IOLTA-participating financial institutions is available from the Commission. Justice Hardesty asked the Commission to approve the new plan. Julie Bobzien moved, Connie Akridge seconded, a vote was held and the new program passed unanimously.

### **Pro Bono Campaign Refresh**

With soft pro bono case-taking numbers, a discussion was held about potential issues, opportunities, and a review of participation numbers, including a review into potential root causes of a decline. An overview of ideas generated from three recent planning calls with legal aid providers was shared and is available from the Commission. There was some discussion of whether the numbers submitted by the providers were complete and accurate, especially for Legal Aid Center of Southern Nevada. Brad will regroup with them to assure we understand the numbers and have a solid basis for goal setting and promotions planning. It was determined that Justice Hardesty would name a Pro Bono Committee to discuss ideas, recommend a plan, and involve all necessary parties to assure involvement and buy-in from the bar at large. Anne Traum volunteered to participate on the Committee.

Several ideas were shared for discussions as they move forward including to answer the question, “what’s in it for firms?”, firms taking a cluster of cases based on issues they value or aligned with corporate social responsibility goals, developing a pledge when corporate counsel and law firm teams cooperate on team case-taking. It was also discussed that cooperating with and leveraging the outreach of trial lawyers, legal defense organizations, Nevada Justice Association. (Though it was suggested many NJA member attorneys may be more inclined to write a check.) Other ideas included law firm visits, and a group session with firms North and South, including small firms. Finally, it was reinforced that “support from the top” showed as a key reason for pro bono volunteering in Nevada. A pro bono report from the American Bar Association was also shared (available from the Commission) that showed the following as being motivating factors: helping people in need, ethical obligations, professional duty, and participating in reducing social inequities. Key actions encouraging pro bono from the ABA study found the following to be key in encouraging: if a judge solicited participation, limited scope representation opportunities, CLE credit for doing pro bono, malpractice insurance coverage, and if a colleague asked them to take a case.

It was discussed that recognition is important and should be a part of the plan refresh, including judges recognizing and honoring pro bono service. Judge Kushner believes that the front-of-line pass is an excellent way to acknowledge those taking pro bono cases.

### **Eviction Clinic Discussion #2**

Though Annamarie Johnson of Nevada Legal Services was unable to be present, Brad suggested that he heard the North Las Vegas on-site eviction court experiment was moving forward by using an NLS-provided space v. the self-help space. Further information will be shared at the next Commission meeting.



### **Commission Membership Nominations and Vote**

The following nominations and votes were taken and passed:

- Judge Thomas Stockard to be reappointed through rule 2(i) through 7/1/21
- Judge Nathan Tod Young to be reappointed through rule 2(i) through 7/1/21
- Megan Ortiz, outgoing UNLV PILA president, to be replaced by Alexis Taitel
  - Through rule 2(g) through 4/15/20

Additionally, Randy Boesch of Nevada State Bank retired and resigned from the Commission. His replacement Mr. Raine Shortridge, was interested in participating. Justice Hardesty asked the Commission and Nevada Bankers Association president, Phyllis Gurgevich, if Mr. Shortridge might replace Mr. Boesch through the end of his term 7/1/21, or whether there was a concern or another recommendation. All felt that Mr. Shortridge completing Mr. Boesch's term would be acceptable. Brad is to invite him to the November Commission meeting where a formal vote will be held.

### **Electronic Filing by Non-Lawyers**

Judge Kishner reported that local district court rule changes in the Eighth Judicial District Court (EJDC) are now being handled by Judge Joe Hardy. At the All Judges meeting held on 6/12/19 it was determined that rule 8.07 should be deleted and that a proposal would be submitted to the Supreme Court with other suggested rule changes to the Eighth Judicial District Court Rules (EDCR). With the deletion of EDCR 8.07, filers in the EJDC would have the same rules as other judicial districts which had not been brought up as a concern by legal aid providers.

### **General**

Justice Hardesty suggested that he, Justice Pickering, Latoya Bembry and Brad should group to finalize the publications targets and angles as well as the speaking engagements.

### **Informational Items**

Informational items included the following. Details upon request of the Commission:

- Legal Aid Provider Highlights
- Legal Aid Provider Quarterly Meeting Recap 4/13/19
- IOLTA Program Highlights
  - IOLTA Rate Review Committee 4/23/19
  - Implementation of Recognition Plan
    - Recognition Plan
    - Website Update
      - <https://www.nvbar.org/member-services-3895/iolta/participating-financial-institutions/>
    - New Nevada Bar Foundation Financial Institution Recognition Ad
    - Nevada Bankers Association E-News Article on Recognition



- Pro Bono Program Reinvigoration Planning Calls 4/25/19, 5/6/19, 5/30/19
- Equal Justice Conference Attendance with Justice Douglas 5/9-10/19
- Self-Help Center Statistics
- Public Awareness