



## ACCESS TO JUSTICE COMMISSION

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### Access to Justice Commission Meeting Minutes Tuesday, November 21, 2017 – 2:00 p.m.

#### **Present**

Justice Michael Douglas  
Justice James Hardesty  
Connie Akridge  
Julie Cavanaugh-Bill  
James Conway  
Nic Danna  
John Desmond  
Judge Joanna Kishner  
Noah Malgeri  
Julie Mogensen  
Judge Tammy Riggs  
Judge Bridget Robb  
Judge John Schlegelmilch  
Stacey Shinn  
Judge Connie Steinheimer  
Adam Tully  
Sugar Vogel  
Judge Nathan Tod Young

#### **Guests Present**

Barbara Buckely  
Matthew Cook  
Kimberly Farmer  
Judge Mathew Harter  
Justin Iverson  
Stephanie McDonald  
Lauren Pena  
Emily Reed  
Bridgette Reyna-Meadows  
Jason Sowards  
Christine Smith

#### **Staff Present**

Brad Lewis

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

Justice Douglas called the Access to Justice Commission meeting to order at 2:09 p.m. A roll call was conducted. Justice Douglas and Justice Hardesty offered brief welcomes, commented on the good work of all, and the meeting shifted to the agenda.



## **Consent Agenda**

Justice Douglas called for any comments or questions on the items included in the consent agenda, including March 24, 2017 Commission meeting minutes, May 23, 2017 IOLTA Rate Review, and October 23, 2017 IOLTA Rate Review. Hearing none he reminded the group that adopting the consent agenda as outlined would retain the IOLTA interest rate at .70%. It was moved and seconded that the consent agenda be approved. A vote was conducted and the matter passed unanimously.

## **Presentation**

Matthew Cook presented the Legal Aid Center of Southern Nevada Melanie Kushnir Access to Justice Fellowship Project on Google AdWords, a program designed to reach a wider audience of people seeking legal help online to increase access to justice. A \$120,000 Google AdWords Grant was acquired to fund the project. The project met a critical element of the Fellowship which is to assure the program can continue after the Fellowship. In just three months advertisements gained more than 215,000 impressions online with more than 11,000 interactions. While challenges were encountered, such as a \$2.00 maximum keyword bid price in the highly competitive legal advertising field, creative keyword buys and future website keyword optimization will help to maximize results. A variety of ad campaigns were tested including Legal Aid Center of Southern Nevada direct representation, a Spanish campaign, both self-help centers, and the Pro Bono Project. In all, the program was a success and has great potential to create awareness of the availability of legal services to a wider audience. A complete executive summary is available from the Access to Justice Commission upon request.

## **Discussion Items**

### **2017-2018 Nevada Civil Legal Needs Assessment**

Dr. Ken Smith, The Resource for Great Programs, presented an update on the Nevada Civil Legal Needs Assessment. It included a study overview, current status, and a look ahead at the first quarter 2018 stakeholder meetings. The study intends to identify current legal needs, the existing capacity to deliver on those needs, identifying the “justice gap”, and endeavors to engage the community, identify opportunities for support, and demonstrate a Return on Investment through legal service delivery.

Currently 130 survey locations have been identified, 230 surveys have been entered into our database (more have been collected) with the goal of achieving 1000 collected surveys prior to Christmas. Analysis has already begun and the data is coming through valid, which is critical. Legal aid providers will present the findings throughout Nevada to stakeholder groups to get feedback and explore possibilities for partnerships and joint fundraising. Locations will include Carson City, Elko, Ely, Las Vegas, Pahrump, Reno, Tonopah, Winnemucca, and Yerington.

A thank you was also extended to the Access to Justice Commission, legal service providers, UNLV, and paralegals for their commitment to the project.



### ATJ Commission Membership/Expansion Update

The ATJC Nominating Committee presented the discussion and recommendations held for Commission consideration including a possible membership rule change consideration to accommodate changes. The first set of recommendations included targeting the following industries: banking, tourism/gaming, medical, mining, construction, social services and energy. It was recommended that because Bar Sections would add lawyers to the Commission, and that the stated goal is to expand beyond the legal profession, that Bar Sections could be effectively used by being extended an opportunity to present ideas to the Commission that could advance our mission. Other opportunities for Bar Sections also exist.

It was moved, seconded and voted unanimously to direct the Nominating Committee to address expansion feedback from the Commission, prepare for July 1, 2018 term expirations, draft an update to SCR 15 to accommodate membership expansion, and to adopt a written nomination and application process similar to that used by the State Bar of Nevada.

### Policies to Support and Improve Access to Justice

#### *Preapproval or Reimbursement of Expenses for Pro Bono Counsel*

The Commission was updated on the reimbursement of expenses for Federal pro bono cases. The details are in the final phases of development and approval was expected soon. Reimbursements will help to improve access to justice by making it easier for lawyers to accept and conduct work on a pro bono basis by covering select expenses such as depositions and transcripts, travel, service of papers, witness fees, interpreter services, and experts. The order intends to make it less opaque about how to get costs covered and apply for pre-approval.

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

The Commission was updated on the rapid pace of legal forms coming online and the increasing ability for pro se filers to file electronically nationally. A June 17, 2016 memo was referenced which outlines how various Nevada rules would need to change in order to allow pro se e-filing of legal documents. It was recommended to the Commission that Nevada proceed toward rules changes to allow e-filing. The general spirit of Commission input was supportive of changes to allow e-filing. Potential hurdles were also outlined including a variety of e-filing systems being used and technology funding mechanisms throughout the State. The potential for misuse or fraud was also raised, though many felt the same potential exists in the current system. It was also shared that the "electronic filer user agreement" was potentially a better control than currently available.

It was suggested that an E-Filing Subcommittee be established to determine how best to address any concerns with the goal to advance toward the ability for pro se litigants to e-file in Nevada. It was additionally suggested that the Subcommittee be comprised of representatives from the Eighth, Second, rural and potentially Federal districts as well as including people familiar with the current system and technologies required. Judges Kishner and Steinheimer volunteered to participate along with Lauren Pena who also volunteered Mike Doan who could assist with IT. Justice Douglas indicated he would speak with Justice Gibbons and Barbara Buckley on Judge Ferenbach to see if he or his appointee knowledgeable about the effectiveness of the Federal system could be helpful. A Subcommittee will be formed to recommend how best to advance on this coming trend with a focus on pros/cons, stakeholder views inclined/opposed to proceeding, and to uncover relevant questions and discuss hurdles and/or opportunities to advancement.



### *Judge Harter Rule Petition to Permit Licensed Judicial Clerks to Perform Pro Bono*

Shortly prior to the Commission meeting ADKT 520 denied the petition after having considered the ethics opinion from the Standing Committee on Judicial Ethics. Judge Harter stated that the petition was built upon earlier work and inquired as to whether the ABA and information from other jurisdictions currently operating with similar rules were considered during the review. It was discussed that the Court may still be open to the concept, most likely if the rule is revised with the scope being narrowed considerably, includes a review of what is happening nationally, the Standing Committee on Judicial Ethics opinions support this practice, and support is received from other organizations.

### **Programming Reports**

#### *Rural Concerns/Website/Forms Project*

Justice Douglas shared that IT had been working hard on the project and that the Supreme Court IT department would be hosting the site. The site is nearly ready to go live. The test site can be viewed by Commission members at <http://nvsupremecourt.dnsalias.com/> Username: proof, Password: interactive

#### *Public Lawyers Partnership/AG Military Pro Bono Program*

Several pro bono lawyer veterans' events are being held, sponsored by the Veterans Administration, the Attorney General, the Nevada National Guard, and the Nevada Department of Veterans Services in 11 locations throughout the State including the rural areas on both Fridays and Saturdays. Building on the model used in other states, Nevada will run VA Shark Tanks designed to develop solutions to solve problems.

### **Other Business**

Legal Aid Center of Southern Nevada updated the Commission on efforts undertaken to support victims of the October 1, 2017 Las Vegas shooting incident. More than 100 matters have been facilitated by Legal Aid Center of Southern Nevada. The State Bar of Nevada and the Access to Justice Commission helped with out of state matters. Southern Nevada Senior Law Program shared their concern over tax reform and potential reductions to Medicare, Medicaid and the Older Americans Act. Any reduction The Older Americans Act could jeopardize funding. A discussion about the Supported Decision-Making as an Alternative to Guardianship program ensued and it was agreed details would be shared with the Commission.

### **Informational Items**

Informational items included the following:

- 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

The meeting was adjourned at 3:53 p.m.