

SECTION SPOTLIGHT

Boyd Students Partner on Pro Bono Appeals

By Professor Anne Traum

The Nevada Appellate Pro Bono Program is one of the Appellate Litigation Section's key contributions, and it is continuing to evolve to provide pro bono opportunities for both lawyers and law students.

The section created the program in 2013 in partnership with the Nevada Supreme Court and the Legal Aid Center of Southern Nevada. Modeled on a similar program in the U.S. Court of Appeals for the Ninth Circuit, the program matches pro bono counsel with pro se litigants. A key feature is that the Nevada Supreme Court guarantees oral argument for every case in the program. Building on more than six years of success, this spring the UNLV Boyd School of Law offered a unique opportunity for students to partner with leading appellate lawyers in representing pro bono clients on appeal. This hybrid experience, blending classroom learning with hands-on practice and mentorship, gives students a structured, in-depth exposure to appellate practice and delivers real value to their clients and the court.

Serving Clients and the Courts

At the heart of the program is tapping the talent of the appellate bar to provide access to justice. More than 50 percent of civil appeals in Nevada have a self-represented party on one or both sides of the caption. Suitable cases are identified for the program by the Supreme Court Clerk's Office, which screens all pro se civil appeals and writ petitions for jurisdiction and arguable merit. The court next refers a case to the Legal Aid Center, which handles the rest: contacting the client, screening them for legal aid eligibility and coordinating volunteers. The Appellate Litigation Section supports volunteer attorneys through mentorship, limited consults and organized moot courts. So far, more than 175 individuals have been represented on appeal by some 125 volunteers.

"The program has proven to be a win-win-win," said Chief Justice Kristina Pickering, who helped design the program in 2013 and helped guide it ever since. The oral argument guarantee "affords legal experience that might not otherwise come to a less seasoned lawyer." The pro se client gets the help of counsel, whose work assists the court in deciding the case. Chief Justice Pickering notes that the program "has led to published opinions in otherwise underdeveloped areas of Nevada law."

Partnering with Students

Adding students to this mix extends the reward of pro bono work and offers an exciting partnership between the appellate bar and law students, who work hand-in-hand to represent Nevadans in need. Last fall, the court and Legal Aid Center helped me identify five new cases for a class I developed at the Boyd School of Law. Experienced appellate lawyers – kudos to Kelly Dove, Dawn Davis, Gil Kahn, Michael Wall, Emily

McFarling, Josh Aronson, Christopher Alderman, Robert Ryan and Jordan Smith – volunteered to closely supervise two-student teams.

In class, students studied the nuts and bolts of appellate practice using a simulated family law case. They developed skills by digesting a thick record, developing a legal theory and drafting portions of a brief. Within a few weeks, students met their pro bono attorney supervisors, who put them to work on similar tasks in their real cases assigned them through the program.

Appellate lawyers tend to be generalists who dive into new areas of law with a nose for identifying judicial error and gaps in the law. The range of pro bono cases this semester provided a generalist's tasting menu: an employee challenging his dismissal, another challenging his denial of unemployment benefits, a custody dispute drafted by an attorney-spouse, a homeowner challenging a wrongful foreclosure and the enforceability of a marital property settlement. The students are tackling the real legal problems of real people seeking better results.

Students relished the opportunity to work with experts in the field and their teammates. The supervisors doled out big assignments, firm deadlines and lots of autonomy—exactly the type of work a junior associate might expect at a firm. Shouldering that kind of responsibility in law school can be intimidating, so having a teammate helped the students keep the work and their nerves on track.

Steve Brecher, a part-time 3L student, loved the teamwork and found that the experience provided a "good meld of class and clinic."

For Paige Hall, a graduating 3L student, "discussing legal strategies with and receiving feedback from" her teammate, Dylan Lawter, and her pro bono supervisor, Michael Wall, "has been invaluable to me as someone who wants to practice appellate law here in Las Vegas."

Inspired by their clients, who have spent years navigating the courts on their own, the students also developed projects to assist pro se litigants. Students developed a community law class on appellate practice, drafted an exemplary motion to appoint pro bono counsel and researched the possibility of allowing pro se individuals orally argue their own cases, as most appellate courts in the country permit.

Brittini Tanenbaum, a 2L student, said these projects will also help to "reduce the access to justice gap in Nevada."

As the semester wound down, the appeals – which often take a year or more – were not even close to done, but the students were hooked. We can all look forward to the contributions these students will make to the appellate bar in the future and thank them, and their supervising attorneys, for promoting access to justice.

To learn more about the Nevada Appellate Pro Bono Program or volunteer, contact the Legal Aid Center at (702) 386-1070 or visit <http://www.lacsprobono.org/resources-and-training/appeals/>.

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