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April 16, 2002

Robert Gross
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Re: State Plan
Recipient # 829050

Dear Bob:

Enclosed is the State Plan submitted by Nevada Legal Services, Inc.. I have also sent copies to Joe Dailing and John Eidleman. Please notify me of anything further I need to submit at this time. I am interested in your reactions and comments.

Sincerely,

Wayne M. Pressel
Executive Director

Encl.

cc: Joe Dailing
John Eidleman

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Progress And Plans: The Development Of An Integrated Delivery System Providing Legal Services To Nevada's Low Income Residents.

Progress Report To Nevada's
Statewide Legal Services Community

Agenda Items For The September, 2002 Summit

Wayne Pressel
Executive Director, Nevada Legal Services
Acting State Planning Coordinator

April 2002

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I.

Nevada's Strategy For Full Access: Central Intake & Referral Supporting High Quality Self-Help and Legal Services

Nevada's legal services' community is involved in an on-going development full access to civil justice for Nevada's poor and low income residents.

Three effective questions are in play as members of the community work to plan and execute. How many low income people need what service? What delivery system can deliver those services? What are the partnerships that will delivery the resources? Answers to these questions are always evolving. This plan proposes a response.

How many low income residents each year need free or reduced fee legal services to resolve situations seriously affecting their lives?

A reasonable estimate is that 70,000 low income residents per year, generating 145,000 legal problems, would benefit by contacting a *comprehensive intake and referral system* backed by a full range of legal and social services. At full access the system would have the capacity to provide the following services (duplicated counts are included):

Customer Service/Transactions.

70,000 people with important concerns would contact the intake and referral system with 145,000 district legal problems

30,000 of the 50,000 people would receive information and coaching through special legal service/court pro se programs.

60,000 of the 100,000 people would benefit from referral to social services providers.

20,000 of the 100,000 people would benefit from referral to reduced fee and fee for service attorneys.

Legal Service Clients/Case Work

40,000 of the 100,000 would benefit from referral to traditional legal services of counsel/advice and brief service representation.

20,000 legal service cases would be generated involving more complex forms of lawyering.

Under full access to justice, all 70,000 would receive significant actions regarding a challenging life situation.

What delivery system has to be in place statewide to provide full access to justice?

A new delivery system configuration three times its current size would provide full access to justice in Nevada. That system would have three major changes:

- Expansion of staff and pro bono programs to provide sufficient levels of the four traditional core legal services:

  - Legal information
  - Advice and brief service
  - Representation (full and complex)
  - Legislative and administrative advocacy

- A new integrated *intake and referral system* that links customers/clients to legal service providers, justice system stakeholders and social service stakeholders.

- Expansion and replication of high quality self-help and self-representation court components for low income residents

For Nevada to flourish as a state with full access to justice, the civil legal service system will have to grow and foster collaboration. The system will grow from $5million in funding to $15 million. With 25% growth in funding per year Nevada could have full access to justice in five years. Development and delivery would be guided by a collaboration of stakeholders responsible for the many elements of such a system. The core collaboratives already exist in Nevada and will continue to add others needed to realize the vision.

What partnerships will secure the resources and relationships necessary to have full access to justice in Nevada?

The legal services' community is pursuing a number of avenues to realize the goal of full access to justice. Their purpose is to form partnerships and generate commitments.

For 2002, five priority topics being addressed are:

- Building Nevada's Central Intake and Referral System: A New and Better Kind of Access For Nevada Low-Income Residents.
- Strengthening Effective Pro Se Programs: Partnership With The Courts.
- Full Funding Of The Legal Service System: Generating Possibilities & Opportunities.
- The Future of Pro Bono: Private Bar Options As A Full Partner
- Measurement Of Services And Outcomes: What Full Access Means.

Each addresses an important element of the delivery system and each has different stakeholders as convenor and facilitator of the conversation. Chart 1 describes the leadership for each topic and describes how the topic will be addressed at the 2002 Summit in September.

The proposal is that during the spring and summer, the collaboratives and stakeholder organizations will review the vision and prepare to lead and participate in the planning conversations. They will prepare materials, identify issues and develop proposals for consideration by conference participants and other interested parties.

The Summit 2002 will be a milestone in the development of substantial improvements, but it represents only one plateau in a long term ascent. More work, resources and partnerships will be necessary. Implementation of distinct parts will have individual timelines according to the difficulty and implications of each. In sum, setting specific goals and tracking them will be crucial to measure success.

Chart 1
2002 Discussion Agenda
For Nevada Legal Service Community Forums

Five System Development Tracks For 2002

Building The Central Intake and Referral System: A New and Better Kind of Access For Nevada Low Income Residents.

Convenor & Facilitator: Nevada Legal Services, Wayne Pressel, Director
Action Item: Form an *Intake and Referral Collaborative* to guide the development of the intake system and to set policies and strategy on operation, organization, management, and funding. The Collaborative would be made up of stakeholder organizations from legal services, social service organizations; and community based organizations.
Planning Conversation: The full access vision will be presented as context. A blueprint for central intake and referral will be presented and current plans reviewed. Several exciting models from other communities presented. A sustainability scenario will be developed. A review of the Technology will be part of the discussion but not hold a dominant role. The focus must be on the concept. Provider commitment will also be explored.

Strengthening & Extending Pro Se Programs: Partnership With The Courts For Effective Processing.

Convenor & Facilitator: Nevada Supreme Court Council on Pro Se Assistance
Action Item: Form a *Court/Legal Services Workgroup* of the Council with responsibility to plan and guide the expansion and improvement of pro se programs. The three goals of the group will be: (a) increase court and legal service program acceptance of pro se, (b) generate new pro se mechanisms and (c) prioritize additional high volume areas of the law for future programming.
Planning Conversation: Present three current Nevada pro se programs as "models that work". Present a "best practice" model from another state to benchmark Nevada's programs. Identify new strategies such as videos for public access television. Set priorities for growth and improvement. Evaluate strengths, risks, cost and efficiencies of different configurations.

Full Funding Of The Legal Service System: Generating Possibilities & Opportunities.

Convenor & Facilitator: Nevada Law Foundation, Suzan Baucum, Executive Director.
Action Item: Enroll state organizations in leadership roles on the goal of "full access funding in five years." Set a full range of funding strategies. Secure seed money for initiatives to launch long term funding campaigns.
Planning Conversation: NLADA/ABA/AARP will present estimates of "full access funding" levels for Nevada and outline strategies that have been successful in other states. Facilitated planning session on financial strategy for Nevada's legal services system. Identify potential sources and amounts. Establish realistic timelines.

Chart 1 (con't)

The Future of Pro Bono: Private Bar Options As A Full Partner

Convenor & Facilitator: CCLS, Barbara Buckley, Director
Action Item: Establish a *Management Council Of Pro Bono Directors* who will support the three "Pro Bono Foundations" in making pro bono programs a full partner in achieving "full access to justice" in Nevada.
Planning Conversation: Examine several pro bono programs from other states and explore the possible contributions pro bono can make to full access. Evaluate mechanisms to increase pro bono participation through the judiciary, organized bar and service providers.

Measurement Of Services, Costs And Outcomes: Full Access Makes A Difference.

Convenor & Facilitator: Boyd Law School, University of Nevada
Action Item: Form a *Direct Providers Workgroup* to develop the strategic score card for Nevada's legal service system. Goal is to have an effective way of putting together credible data that gives an accurate representation of the value added by the legal service system. This data would be used to gain public support, to make compelling cases for future funding, and to hold providers accountable to funding sources and the public. Secure funding for data development and synthesis work.

Planning Conversation: Review of 2001 data collection to evaluate is effectiveness and exploration of a common database and measurement tools. A national expert in data systems and measurements will describe the kind of data that can be made available and how it can be captured and organized. The conversation will be driven by the question: what performance information should be collected (a) support program improvement, (b) increase public support for and use of legal services and (c) attract the funding needed for full access?

II.
The Scale and Services Needed To Achieve Full Access To Justice In Nevada

Nevada's Guiding Philosophy: Access to a range of legal aid services that deliver "positive life changes for the client and client community."

Nevada's *legal aid system* is dedicated to providing low income residents access to the civil justice system. That access is essential to having an "effective future" in society.

Today, *Full Access to Justice* means a low income person anywhere in the state has access to the civil justice system and to the safety net services needed to deal with his or her situation. Success is "positive life changes for the client and client community."

Today the concept of access to legal assistance has gone beyond the traditional preoccupation with complex cases calling for full representation by an attorney. Historically, legal aid planners have sought a modest goal: provide one lawyer per 10,000 eligible low income people. However, this was both inadequate in amount and overly narrow in scope, leaving more than 80 percent of the people experiencing serious legal problems without any legal help at all and effectively excluded from the justice system.

Clients & Cases vs. Customers & Transaction

Most of the current and future legal work of the legal services community will not be "cases" where lawyers represent "clients." "Customers" receiving "legal information" outpace clients by tenfold. Services by technologies over the phone and internet are blossoming. Self-help clinics, interactive standardized forms and video access are all becoming the tools of the next years. These high volume "transaction" processes serve "customers." At the same time, there will continue to be the need for the full and complex representation by attorneys, the kind of work that shows up as a "case".

This report makes a distinction between "customer" services that are counted as process "transactions" and the professional services that has "clients" generating "cases." Each serves a different purpose and is organized and managed in a different way. Both are important, complementary parts of a system serving the needs of the low income population.

Today there are more creative and appropriate approaches. Many problems faced by low income people do not require representation by a lawyer; they can be resolved by information, advice, referrals, brief services, and pro se assistance. Legal aid providers have increasingly turned to technology, the unbundling of legal services and innovative, more efficient service delivery methods that deliver exactly the level of assistance that a client/customer needs to resolve her or his unique situation. Rather than screening out people who do not qualify as "clients" for legal aid "cases", providers are expanding legal aid to include "transaction" legal services for "customers" (See insert).

Describing full access calls for some discussion of numbers. It involves the quantity of people, the levels of service and the money to deliver the products. The following sections give the best estimates of the numbers based on the experience of many organizations and the data they collect.

The Number Of People

Nevada's Full Access System would have the capacity to meet the legal and related needs of about 70,000 clients and customers a year.

Nevada has had the fastest growing poverty population of any state in America for the last three decades.

> *While the US population increased by 14% between 1990 and 2000, Nevada's population increased from 1 million to 2 million – a 100% increase.*

Nevada has had the highest percentage increase in poverty of any state in America over the past three decades. From 1980 to 1990, poverty grew by 74%, and the estimated increase over the past ten years is expected to near 86%. In gross numbers, Nevada's poverty population grew to approximately 200,000 by 2000. The "near poor" (those with incomes at or below 150 percent of the federal poverty level) is on the order of 400,000.

> *Today, an estimated 400,000 Nevadans are at or near the poverty level – well below the pricing of the private attorney market.*

The best estimate that approximately 70,000 individuals or families per year will face at least one, and in many cases several, serious conditions that require some kind of legal assistance. See Chart 2.

> *A full access system should be designed to process 70,000 low income people/families accessing it at intake each year with 145,000 legal problems.*

Nevada's Full Access system would be organized to deal with urban poverty concentrated in two areas and a very significant and dispersed rural population.

The poverty density in Nevada has shifted from rural to urban and North to South. The 2000 Census estimates the poverty population is concentrated in two urban areas, 75% in Clark County (Las Vegas), and 15% in Washoe County (Reno), with 10% in the remaining 15 rural counties. See Charts 2& 3.

The poor are becoming more concentrated in urban areas and more marked by underemployment. Although Nevada has boasted of low employment for decades, the jobs available leave people with less than living wages. Its health care uninsured ranking is 47th in the nation.

Affordable housing is so far behind the need. It saw a reduction of TANF of over 67% between 1996 and 1999. This number rebounded quickly, however, in the last months of 2001 with an increase from 15,000 to 34,000 TANF recipients receiving cash assistance and Medicaid. Likewise Food Stamp participation declined by half between 1995 and 1999 and has seen a recent increase.

Rural poverty is especially troubling. Fifteen of the 17 counties of Nevada are rural. Taking the five-county Carson City area out of the equation, the remaining 12 county populations are sparse and growing smaller with each Census count. Government and social service resources in these desert areas cannot cope with even marginal problems. The lack of an income tax and the dependence on sales tax make the situation even more precarious for rural Nevada.

Tribal poverty represents a special need in Nevada. There are three Native American Nations in the state: Shoshone, Paiute (Northern and Southern) and Washoe (primarily in the Reno area). Altogether there are 23 "colonies" with tribal land in private fee simple ownership) and reservations where land is tribally owned. The tribes themselves are either urban/small city colonies or remote rural reservations and generally have fewer than 200 enrolled members. The total number of Native Americans is estimated to be 18,000, with an estimated 4,000 households needing legal aid each year.

Chart 2
Nevada's Low Income Residents
Needing Access to Free and Reduced-Fee Legal Aid

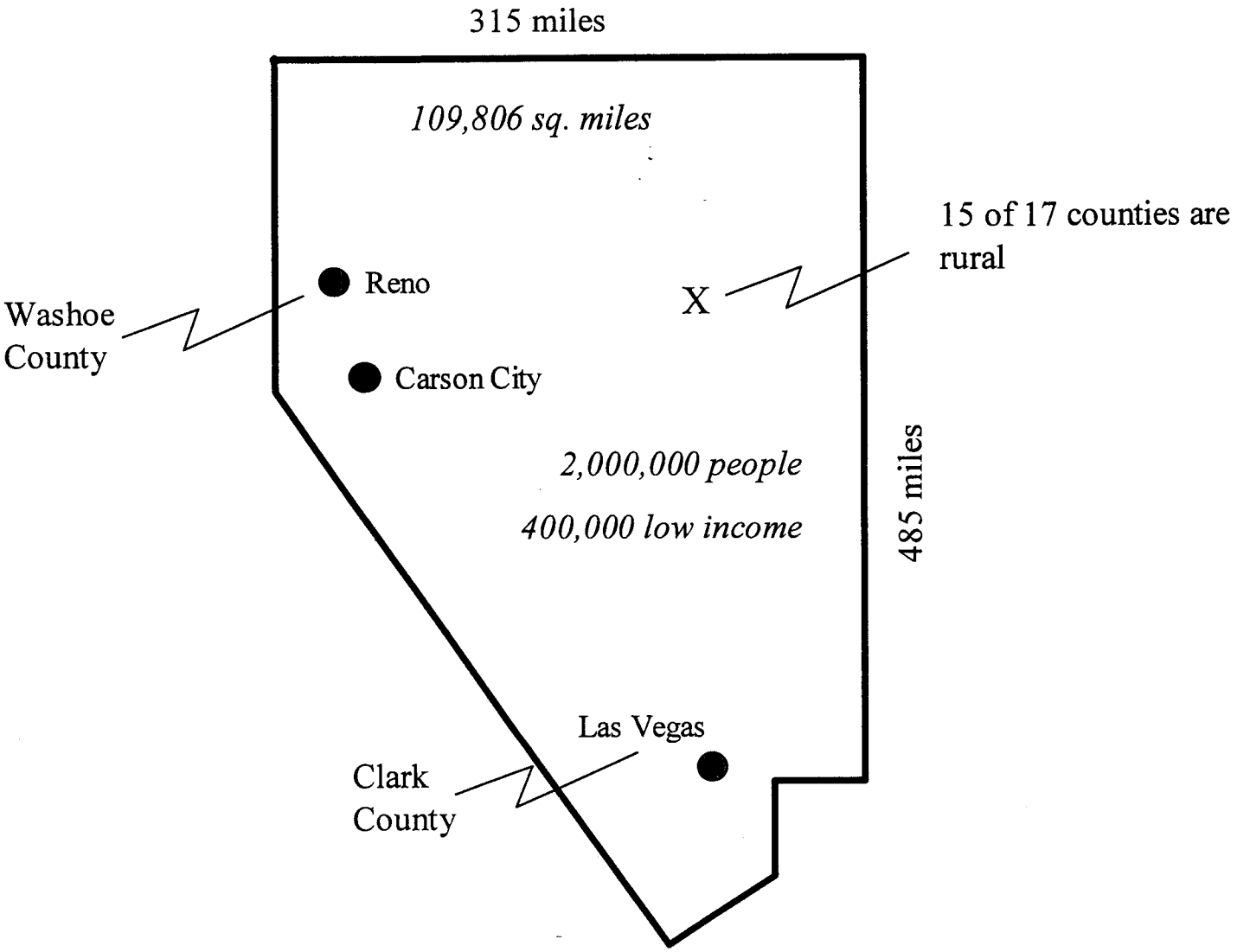
	Population (All Income Levels)	**Low Income** (100% federal poverty level)	**Low Income** (150% federal poverty level)
1990 Census	1.0 M	120,000	240,000
2000 Census	2 M	215,000	400,000

Number of Low Income Households With One or More Legal Problems a Year

70,000

Urban		**Rural**	**Tribal**
Clark County:	52,000	7,000	4,000
Washoe County:	7,000	over 100,000 square miles	

Chart 3.
Map of Nevada
Nevada's Full Access system would be organized to deal with urban poverty concentrated in two urban areas and a very significant and dispersed rural population.



The Conditions That Create Need.

Nevada's full access system will be organized to address six priority life situations facing many of Nevada's poor.

Nevada's legal service community coordinates its activities to put in place the full range of services that low income people in six quality of life situations:

- Family Stability and Safety
  - Child Abuse
  - Domestic Violence
- Private Housing
- Public Benefits
  - Income support
  - Health care
  - Public housing & homelessness
- Consumer & Bankruptcy
- Employment
- Immigration

Being low income in Nevada means one has a high risk of encountering legal issues in one or more of these areas. Each arena consists of complex rules and systems that a low income person often has to navigate in pursuit of an "effective future." Low income often means not having needed information or assistance. It also means no access to the attorney services that would make a difference. For each there is a unique set of "poverty law" skills that have to be mastered to provide efficient and effective representation.

Four of these service areas are well established.

- Family. In Nevada, family law "customers" present the greatest need in sheer numbers. Family courts have been overrun with self-represented clients. Opportunities exist to form partnerships with the court. Family law work requiring staff and pro bono attorneys in cases of domestic violence and child abuse call for lawyer/paralegal/social worker teams to help families.

- Private housing. With landlord/tenant private housing the primary strategy is self-help. Here the need is legal information and automated forms/procedures, and pro se is the focus. Mobile home situations call for more expertise and are not an amenable to mere client education and advice. Home ownership and foreclosure issues require even more intense legal work.

- Public Benefits. Public benefit cases have long been a province of legal services legal representation and fall into three classifications by substantive area.

- Public income support. This has expanded far beyond Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI) and Food Stamps to include Unemployment Compensation, Worker Compensation, taxation and Fair Labor Standards Act issues.
- Health care. Health care cases are growing yearly. Cost, access and levels of service are developing into complex legal problems whether it is preventive care or inpatient surgery. It clearly has employment implications.
- Public housing. This includes assistance for the homeless. Full representation in public housing is an important strategy because it can actually preserve housing – something impossible in the traditional Nevada private housing market.

It should be noted that public benefits cases are particularly unresolvable without outside advocacy. The issues are often complicated, the regulations inscrutable and non-intuitive and the procedures bureaucratic. This is a deadly combination for low income clients who are desperately dependent on the government.

- Consumer. Bankruptcy and consumer rights, always rank high in client needs surveys. This work calls for professional representation as well as consumer education. These issues are not controversies about luxuries; rather, they go to whether someone can get to a low-paying job or live in a relatively safe neighborhood.

Employment and immigration are two relatively new priorities that reflect the changing conditions associated with the poor in Nevada.

- Employment. Nevada is the mecca of low-skill, low-wage, no benefit service industry employment. Nevada has 52% of its workforce dependent on the service industry - second only to Hawaii. Employment law cases for low income wage earners will continue to grow.

- Immigration. Immigrants, especially from Latin countries, have become a permanent and ever-increasing low-income population in Nevada. For many who are illegally present, there is little legal recourse; however, there is legal remedy from spousal/child abuse by a legal resident/citizen. For many who are legally in the United States, family reunification, work authorizations and public benefits are crucial to survival and ultimate success. Again, citizen children of immigrant parents have rights to be protected.

One or more of these arenas present legal problems for the 70,000 low income households affected each year. Each person with a legal need can require multiple referrals, make several information requests, and generate several cases. In fact, the most comprehensive study to date of the legal needs of low income people, conducted by the American Bar Association in 1993, concluded that in a given year, those poor households that need legal aid are experiencing between one and five legal problems apiece, with an overall average of 2.1 problems per household.

For Nevada, this translates to slightly over 145,000 legal problems per year among the 70,000 households experiencing legal needs. Charts 4 and 5 summarize the findings of the ABA study findings applied to the Nevada low income population.

Chart 4
Estimated Scale of Demand for Legal Aid in Nevada
145,000 legal needs experienced by 70,000 low income households
Using ABA comprehensive Legal Needs Survey – 1993 Data

Priority Situations	Trend	Transactions *Problems resolved through information, assistance from trained non-lawyer or pro se assistance*	Cases *Problems resolved by advice or representation by a lawyer or paralegal*
1. Family Matters *Domestic Violence, Child Abuse, Non-safety issues*	**Epidemic**	**16,000**	**1,800**
2. Private Housing	**Can be addressed pro se**	**3,000**	**300**
3. Consumer	**High demand**	**22,000**	**3,000**
4. Public Benefits	**Complex; require legal aid**	**33,000**	**4,000**
Income	*Diminishing*		
Health	*Increasing*		
Public Housing	*High demand*		
5. Immigration	**New**	**1,000**	**-**
6. Employment	**New**	**11,000**	**1,000**
Other		**45,000**	**5,000**
Total Demand		**131,000**	**15,000**

Note that the above chart is founded on several assumptions and estimates and is only a statistical model.

The Service Capacity Needed

Current capacity falls short of full access by a factor of two to three for legal "case" work, and a factor of two to nine for "transaction" work.

It is useful in planning overall capacity of the system to look at the clients served in terms of six kinds of service:

Referral
Legal Information
Pro se
Advice and brief service
Representation
Administrative & legislative advocacy

Each is a different kind of capacity with different volumes. As shown in Table 2, current capacity falls short of full access by a factor of two to 25 for various types of services.

"Transaction" legal assistance. Referrals, legal information and pro se assistance services are referred to here as "transaction" legal services. Many of the legal problems experienced by persons at all levels of the income scale can be handled by these kinds of services, and the problems of the poor are no exception. Delivery systems for transaction services are designed to handle high volumes of low cost, short-term encounters with customers. Professionals can supervise these systems, but the work is usually done by trained non-professionals. Technology applications such as websites and automated document assembly systems provide important tools.

The Need To Measure Outcomes, Services & Cost

Today each program can make reasonably good estimates of the levels and types of services provided. These give a global view of need, current services and capacities.

In the future, more credible and compelling data will be needed. Nevada's statistics from providers are not complete or compatible. Moving to an integrated delivery system, more collaborative planning, management and marketing will require the ability for all participants to deliver unduplicated client counts, defined levels of service and types of access, and outcomes. One goal is to have an effective way of putting together credible data that gives an accurate representation of the value added by the legal service system.

"Case" services. Once an episode of legal service extends to the establishment of a lawyer-client relationship, it is a "case." This can include "brief representation" services such as providing advice, phoning a creditor on behalf of the client or drafting a letter. Or it can involve "extended" legal assistance from a lawyer or a paralegal supervised by a lawyer such as negotiation, representation in court or in an administrative agency proceeding.

"Pro Se" services call for specialized treatment and have traditionally comprised a large percentage of legal aid work. This assistance often provides clients with enough understanding of their particular situations to enable them to judge a best course of action without further direct help of attorneys or paralegals. Again, technology, matched with pro se strategies, is vital to achievement.

Unbundled and full representation by legal services and pro bono attorneys and paralegals must not be discounted in the surge for expansion of "transaction" and "pro se"service mechanisms. Driven by the complexity of legal issues, the sophistication of forums and the emotional content of clients' lives, partial and complete lawyering continues to be a necessary element of any real system of justice. To be clear, much of the creative advocacy would not be considered if full traditional attorney representation was a real possibility.

Legislative or administrative advocacy. No view of "full service" is complete without a legislative/administrative agenda. The poor are dominated by government more than any discernable population in America. Lack of power in the legislative and executive branches of government can be argued as the worst failure of legal services' advocates. Nevada's providers have a long tradition of this form of service. The efficiencies of legislative/administrative representation cannot be doubted; it enables advancements and protections to large groups of low income populations with a minimum of expenditure. The court process often consumes far more resources to achieve much less.

Chart 5 contrasts the capacity needed under full access with the current capacity of the system. These numbers are only meant to show the orders of magnitude involved. They set the framework for designing the full access delivery system to scale.

Chart 5
Estimated Low Income Clients and Customers Per Year
Using ABA Legal Services Survey-1993 Data

Level of Service Needed	Number of Clients/Customers per Year		
	Demand *Need at Full Access*	***Current Capacity***	***Need --*** *Multiple of Current Capacity*
Information	73,000	11,000	7
Referral to social services	37,000	2,000	19
Referral to private attorney	1,000	low	high
Pro se assistance	22,000	18,000	1
Advice & brief service	7,000	6,000	1
Representation	6,000	3,000	2
Administrative & legislative advocacy	1,000	low	high
Total	**146,000**	**40,000**	**3.65**

Note that the above chart is founded on several assumptions and estimates and is only a statistical model.

As shown, there is a strong system in place providing quality legal services to many people. The simple statement is that the base has to be increased by an overall factor of nearly four. The transactional systems are only now being put in place. Over the past three years legal services and the courts have developed the ability to organize and run pro se programs that work and make a difference. Those systems can be increased by a factor of two to nine. The referral system will be addressed by the planned central intake system. With that system it will be able to engage 70,000 clients and customers a year and make the appropriate referrals.

III.
The Planned Delivery System:
From an array of service providers to a system of integrated services.

A STRONG BASE: A CONFEDERATION OF LEGAL SERVICES PROVIDERS

Nevada's current legal services system for the low income population is not a "system." It is a loose confederation of providers each with its own priorities, funders, rules and intake. Coordination is minimal and informal. The legal services available are not easily navigated by the poor. Add the even larger array of governmental and not-for-profit social service organizations, it is almost impossible for a person in need to find the best mix of services to solve legal problems.

The cornerstone of the legal service system is the client/customer-seeing organizations . The direct providers include:

- A statewide staff program receiving Legal Services Corporation (LSC) funds and subject to LSC restrictions on services;
- Two regional staff programs with state and local funding;
- Three pro bono projects;
- Two senior citizen programs supported largely by federal dollars without income/asset qualifications;
- Four pro se programs, three of which have no income/asset or citizenship requirements;
- One law school with both first-year "community service " programs and advanced internal clinics and externships; and
- State advocacy and state support provided through contract which is free to engage in any activity for any poverty population.

Every day they provide the legal representation and information to people struggling to move forward with their lives. (See chart 6.)

Three poverty law service providers – Nevada Legal Services, Inc. (NLS), Clark County Legal Services, Inc. (CCLS), Washoe County Legal Services, Inc (WLS) have collaborated to cover several types of legal needs restricted and unrestricted) maximize statewide coverage. They coordinate to avoid duplication and work cooperatively through informal working relationships. NLS is the statewide grantee of the federal LSC. By design CCLS and WLS are funded by state and local money. NLS, CCLS and WLS coordinated substantive priorities in their 1996 reconfiguration. CCLS and WLS focused on work earning attorney fees such as Title II Social Security Disability, consumer and civil rights and other activities restricted by LSC including lobbying and class actions. At the same time, NLS's priorities concentrated on other areas such as private housing, public benefits, employment law and immigration matters.

NLS	Offices in both urban areas. The sole provider for all of the 15 rural counties of Nevada. LSC restrictions on services provided. Has been lead in developing pro se. Large transaction volume, low case volume. Limited by LSC restrictions. Staffs VARN through contract for rural pro bono work.

CCLS	Does high visibility cases. Can generate fees. Few restrictions on cases. High case volume. Adaptive in priorities. Increased focus on child abuse and domestic violence. Operates the Clark County Pro Bono Project.
WLS	Urban in focus. Limited advocacy staff. "Jail" contract. Retained private housing work. Funded for home ownership/foreclosure counseling. Operates the Volunteer Lawyers of Washoe County Project.

NLS, CCLS and WLS jointly fund a state support and advocacy function in Nevada. Through independent contracts, a private sole practitioner with a long history as a legal services practitioner and manager provides coordinated staff training and consultation and direct advocacy for the clients of the constituent providers.

The only law school in Nevada opened in 1998. The William S. Boyd School of Law (Boyd) has approximately 140 students in each class; half of whom is full-time and half part- time. Boyd provides direct legal assistance and information and supporting the activities of other primary partners.

Chart 6 shows how the providers are arrayed geographically and by type of operation. This approach is very good at giving statewide coverage and a certain degree of coordination. It does not provide, however, a "system" that is navigable and accessible. It is not an approach that can be managed to achieve full access.

The Maze To Be Negotiated.

A woman seeking a divorce in Clark County is eligible without regard to income or citizenship, to secure legal information and forms from the Clark County Family Law Self-Help Center. She can also attend family law classes provided by the Boyd students under a cooperative arrangement with NLS and CCLS. In fact, she could do both several times over. If domestic violence is involved, the Clark County Pro Bono Project of CCLS may furnish her with full representation counsel. If she happens to be an illegal immigrant, married to and abused by her legal immigrant spouse, she can access "self-petition" and "work authorization" assistance from NLS using non-LSC funding. Attendant legal issues, such as housing, can be addressed by the NLS Housing Self-Help Center regardless of finances or legal status, but probably will not have any legal advice or representation unless she is 60 years of age or older. Then, of course, there is the NLS web site with access to both family and housing law information and forms. This example makes an eloquent case for centralized intake and referral.

THE FULL ACCESS GOAL: AN INTEGRATED SYSTEM

The envisioned system is both accessible and navigable. It is anchored in a central intake and referral system. Traditional legal services are complemented by a strong pro se system in partnership with the courts, and referral partnerships with social service providers and the private bar.

Figure 7 shows the integrated delivery system. What brings the array of legal services, pro se assistance and social services together is the addition of the "central intake and referral" system.

With central intake in place the individual program assets and the partner assets can all be accessed in a coherent way to serve the low income resident facing one or more legal problems.

The central intake system will be designed on three guiding principles:

> Offer access to comprehensive services. There should be comprehensive resources to help legal clients, information customers and the general public. Even in a relatively limited legal landscape like Nevada, there is an ever increasing number of legal services offices, self-help centers, government service phone banks and web sites which are largely uncoordinated much less thoughtfully organized into a portal structure.
>
> Make it user friendly and smart. The planned system would have a single point of entry from which both basic identifier data, and more sophisticated protocols for specific needs, would be recorded and transferred electronically to the sources of assistance. This would do away with having multiple interview gathering the same information in many places.
>
> Serve those who can not pay whether "eligible" or "ineligible". The legal services' mantras of "You do not qualify" and "We do not do that" must disappear from the organizational vocabulary. But a coordinated system using central intake gives a way to find some service for everyone. If one provider cannot do it often another can. There would also be an avenues for people who do not qualify for traditional legal services through "unbundled" resources accessible by phone, fax and websites. Some services would be offered to "non-qualifying" persons on a fee basis.

Appendix A describes the central intake system, and Appendix B discusses the pro se component in more detail.

CHART 6

Confederation of Independent Programs: Regional Programming.

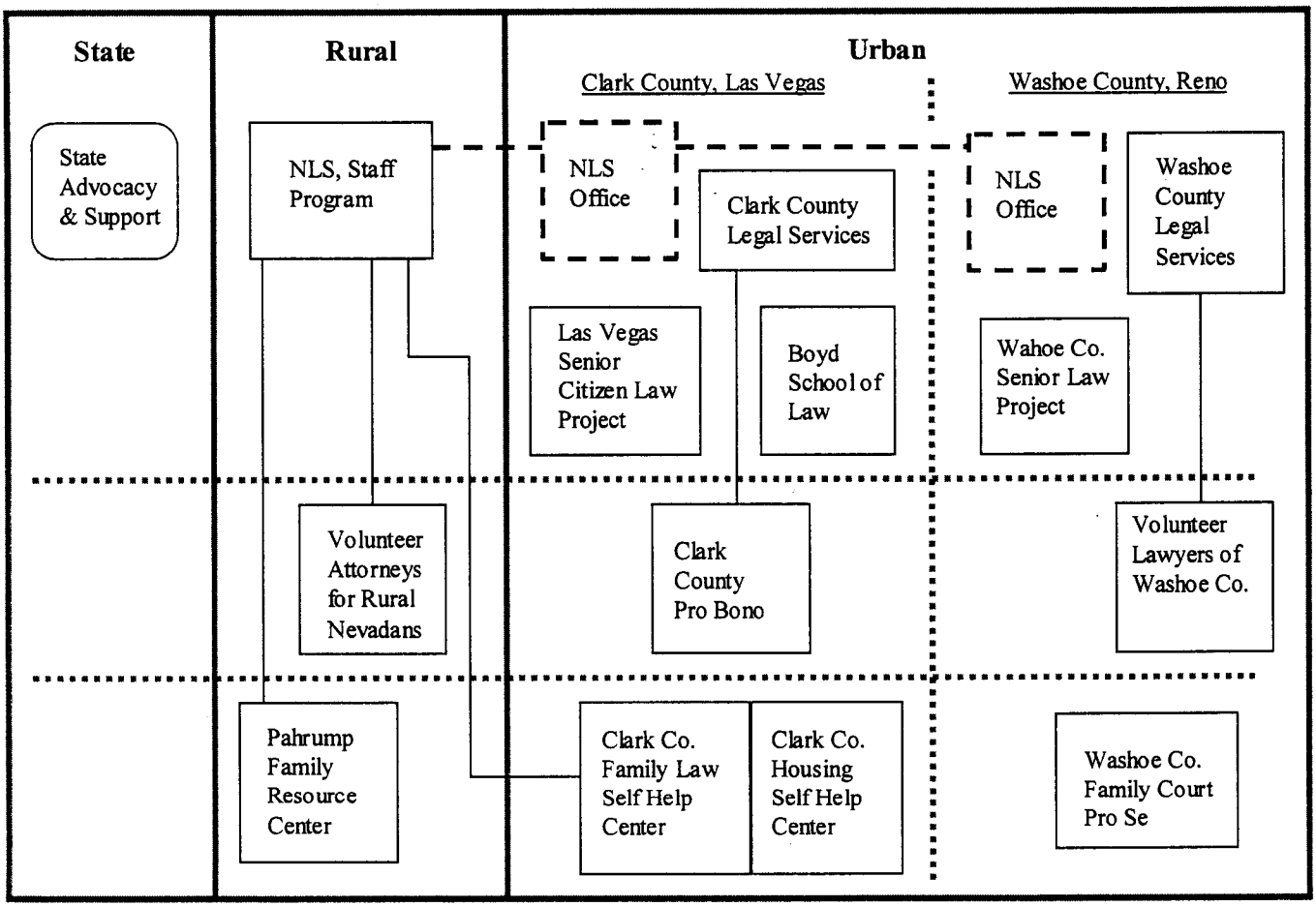
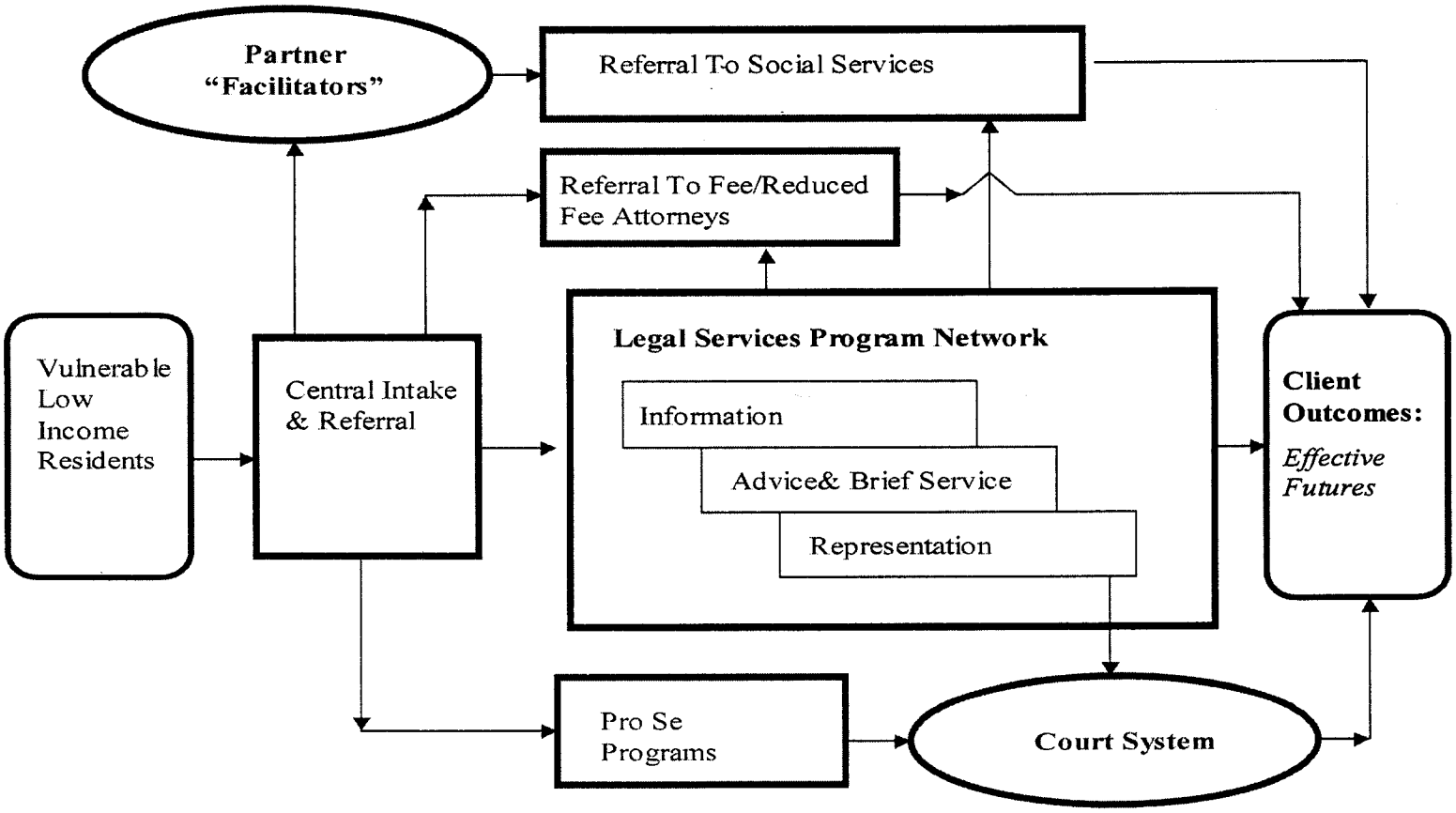


CHART 7

Nevada's Statewide Integrated Delivery System For Providing Legal Services To Low Income Residents



RESOURCES NEEDED FOR FULL ACCESS: THREE TIMES THE BUDGET, THREE TIMES THE STAFF.

Program budgets and program staffing (including Pro Bono) are a good way to identify the current position and the capacity needed for full access.

Budget. The grand program budget total from all sources is approximately $5 million in the year 2001. Chart 8 shows the funding levels for the year for each program.

Utilizing population statistics and contemplating an array of services from website legal information to full attorney representation, $15 million is a realistic figure for sufficient legal services in the state.

Staffing. The state system has 72 staff positions and 29 legal service attorneys. Chart 8 lists the staffing by program and type of staff.

It is estimated that full access to justice could be achieved with an additional 50 attorneys and an additional 100 non-attorney staff. Full access staffing is likely to be on the order of 75 attorneys and 150 non-attorney staff.

Chart 8

Funding for Direct Providers Of Legal Services In Nevada
(Under Refinement)

Rural and urban provider.	
❑ Nevada Legal Services, Inc. (NLS), the statewide grantee of the federal Legal Services Corporation	$1,500,000
Urban providers	
❑ Clark County Legal Services, Inc. (CCLS)	$1,480,000
❑ Washoe County Legal Services, Inc. (WLS)	$550,000
Pro Bono Programs.	
❑ Clark County Pro Bono Project (part of CCLS),	$290,000 $250,000
❑ Volunteer Lawyers of Washoe County, (part of WLS)	$90,000
❑ Volunteer Attorneys for Rural Nevadans, Inc. (VARN) (independent nonprofit corporation under contract with NLS).	
Senior Citizen Law Projects	
❑ City of Las Vegas Senior Citizen Law Project	unknown
❑ Washoe County Senior Law Project	$440,000
State Advocacy and Support.	
❑ State Legislative & Administrative Advocacy (Provider contract)	
❑ State Support (Provider contract)	$80,000
Pro Se Programs	
❑ Clark County Family Law Self-Help Center (NLS and court)	$168,000
❑ Clark County Housing Self- Help Center (NLS and court)	$60,000
❑ Pahrump Family Resource Center (NLS and court)	$10,000
❑ Washoe County Family Court (Facilitator's Office provides a resource for self-represented litigants)	$100,000 (estimated)
Law School	
❑ The William S. Boyd School of Law (Boyd)	$100,000 (estimated)
TOTAL SUPPORT	**$5,180,000**

CHART 9

2001 Staffing Levels Statewide

	Attorneys	Paralegal	Administration	Total
NLS	8	10	6	24
NLS, Pro Bono	1	1	1	3
CCLS	12	3	7	22
CCLS, Pro Bono	1	1	0	2
LV, Senior Citizen	3	1	4	8
WLS	2	1	3	6
WLS, Volunteer	0	1	1	2
WCSLP	1	2	1	4
State Support & Advocacy	1	0	0	1
Total	29	20	23	72

PRO BONO PROGRAMS. The State Bar of Nevada has 4,600 active members as of January 1, 2002. Approximately 3,000 practice in Clark County (Las Vegas), 1,000 in Washoe County (Reno) and the last 460 in the remaining 15 counties.

There are effectively three pro bono programs in operation and the operating levels are low:

	Cases Closed	Attorney Hrs
Clark County Pro Bono:	1277	5000
Volunteer Lawyers Of Washoe Co:	472	1040
Volunteer Attorneys for Rural Nevadans	59	200

The low number of pro bono hours from significant current efforts makes it difficult to be optimistic about what can be achieved. A "best guess" would be 10,000 hours statewide which represents five times the current contribution. The would be five "full time equivalent" in attorney time. (See Appendix C for a discussion of the magnitude of the contributions that might be possible from a private bar partnership on Pro Bono)

THE FOUR STEPS TO A FULL ACCESS DELIVERY SYSTEM.

The system shown in Chart 7 does not yet exist. The state wide communities see four steps to take in building the system:

- Expansion of staff and pro bono programs to provide sufficient levels of the four traditional core legal services:

  - Legal information
  - Advice and brief service
  - Representation (full and complex)
  - Legislative and administrative advocacy

- Put in place an integrative *intake and referral system* that links clients to legal service providers, justice system stakeholders and social service stakeholders.

- Growth of court systems of high quality self representation court components for low income residents

- Form partnerships that create the possibility of securing the resources for full access to justice.

    - Partnerships among legal service providers
    - Partnerships between legal service and social service providers
    - Partnerships with the bar and the court.

The planning process describe in the next chapter is engaging all stakeholders in generating commitments to be in action on these steps.

IV.
The State Civil Legal Aid Justice Community & Its Planning Process

NEVADA'S COMMITMENT TO FULL ACCESS: STATEWIDE PLANNING ORGANIZATIONS.

Over the past eight years a structure has evolved to oversee and guide development of Nevada's legal services system. The Supreme Court has created state and regional organizations to grow and strengthen legal services. Since 1995 five organizations were created.

The statewide Access To Justice (ATJ) Committee is the umbrella body whose purpose is to support legal service and pro bono efforts. The Committee is appointed by the Board of Governors of the State Bar of Nevada. The ATJ Committee plays a central role in fashioning and supporting the Nevada plan for a statewide justice community. The Committee has sponsored three "Summits" which have been statewide gatherings of all organizations (bench, bar social services and legal services/pro bono providers) and individuals interested in these issues. The next Summit is scheduled for September 2002 at which this proposal will be a focal topic.

The regional framework is made up of three "Pro Bono Foundations":

- Eighth Judicial district Pro Bono Foundation in Clark County (Las Vegas area of Southern Nevada);
- Washoe County Pro Bono Foundation in the Reno area of Northern Nevada; and
- Tri-District Pro Bono Foundation covering three judicial districts (five counties) in the Carson City area.

The Trustees include the private and public bars, judiciary, pro bono/legal services organizations and social service providers, and their role is to increase resources in both volunteer time and money for local efforts of the base providers. NLS, CCLS, WLS and the two AOA senior law projects are Trustees of the respective foundations. NLS is a trustee of all three corporations and the statewide Committee. All hold monthly/quarterly meetings.

A fifth body, the Nevada Supreme Court Council on Pro Se Assistance, guides the development of work in the state. NLS and CCLS both participate in the Council. The Council conducted a statewide survey of court personnel on the problems and solutions of self-representation in Nevada. The survey results were presented to the entire judiciary at the Millennium Conference of Nevada Judges in 2000. Currently the Council has been encouraged by the Nevada Supreme Court to begin formulating family law forms/instructions which the Court will consider and make acceptable throughout the state. The first submission is expected in 2002.

THE PLANNING PROCESS AND EVENTS.

In Nevada planning is an on-going process carried out in forums, such as the annual Summits and monthly meetings of the foundations. Rather than one event or instituting a special process, state planning has been built into the regular meetings and conferences of legal service community stakeholders. NLS, with its mandate from LSC to foster statewide planning, has played a facilitative and coordination role.

Planning is seen as three conversations that are always taking place:

How many low income people need what service?
What delivery system can deliver those services?
What are the partnerships that will delivery the resources needed?

From these exchanges, the stakeholders are developing:

- Ownership for necessary elements of the system;
- Organizational and individual commitments to act;
- The case for financial investment; and
- Progress in products and productivity.

Certain events are singled out as 'pacing events' for planning purposes. These are events where major primary and secondary stakeholders convene. Planning is built into the meeting process. Important planning events for 2002 include:

September 2002 ATJ Summit.

This event is becoming an annual statewide event that brings all stake holders together in conversations to create a common agenda. The next event will address five topics and generate commitments to action.

January 2003 Press Conference Announcing the Plan

After the Summit, the "Convenor Committees" will formulate a comprehensive plan encompassing the constituent elements. These will be formally submitted to the organizations directly and indirectly involved for signed commitment and endorsement. The ultimate initial plan will be presented at a special press conference.

June 2003 Summit at the Nevada State Bar Convention

The focus of this meeting will be to review, reassess and plan for the modification and advancement of the plan announced in January 2003. Again the Convenor Committees will hold meetings before and after the event to prepare and implement the work of the Summit participants. This will also involve a reevaluation by the providers.

THE FOCUS OF STATE PLANNING: FIVE ACTION ITEMS.

The 2002 Summit will be organized to address five action items:

Building The Central Intake and Referral System: A New and Better Kind of Access For Nevada Low Income Residents.

Form an *Intake and Referral Collaborative* to guide the development of the intake system and to set policies and strategy on operation, organization, management, and funding. The Collaborative would be made up of stakeholder organizations from legal services, social service organizations, and community based organizations.

Strengthening & Extending Pro Se Programs: Partnership With The Courts For Effective Processing.

Form a *Court/Legal Services Workgroup* of the Council with responsibility to plan and guide the expansion and improvement of pro se programs. The three goals of the group will be: (a) increase court and legal service program acceptance of pro se, (b) increase number of new pro se mechanisms and (c) add additional high volume areas of the law for future programming.

Full Funding Of The Legal Service System: Generating Possibilities & Opportunities.

Enroll state organizations in leadership roles on the goal of "full access funding in five years." Set a full range of funding strategies. Secure seed money for initiatives to launch long term funding campaigns.

The Future of Pro Bono: Private Bar Options As A Full Partner

Establish a *Management Council Of Pro Bono Directors* who will support the three "Pro Bono Foundations" in making pro bono programs a full partner in achieving "full access to justice" in Nevada.

Measurement Of Services, Costs And Outcomes: Full Access Makes A Difference.

Form a *Direct Providers Workgroup* to develop the strategic score card for Nevada's legal service system. Goal is to have an effective way of putting together credible data that gives an accurate representation of the value added by the legal service system. This data would be used to gain public support, to make compelling cases for future funding, and to hold providers accountable to funding sources and the public. Secure funding for data development and synthesis work.

The convenors and facilitators for these topics and the draft design for the sessions are presented in Chapter I.

Appendix A.
Requirements and Plans for a Central Intake and Referral System

Guiding Principles. A central intake system driven by the latest phone/website technologies is the most important function under development for the future.

Clients and customers need a main access to assistance for all legal services, including legal information, social service referral, legal forms, automated document preparation, limited hot line and telephone advice, mediation and full representation. Clients and legal service providers need to have user friendly links to the non-legal services needed to create effective, total solutions to client problems.

The intake system envisioned has three guiding principles.

> Offer access to comprehensive services. There should be comprehensive resources to help legal clients, information customers and the general public. Even in a relatively limited legal landscape like Nevada, there is an ever increasing number of legal services offices, self-help centers, government service phone banks and web sites which are largely uncoordinated much less thoughtfully organized into a portal structure.
>
> Make it user friendly and smart. The planned system would have a single point of entry from which both basic identifier data, more sophisticated protocols for specific needs and would be recorded and transferred electronically to the sources of assistance. This would do away with having multiple interview gathering the same information in many places.
>
> Serve those who can not pay whether "eligible" or "ineligible" (Stop saying "no" !). Service eligibility for those who can not pay is always arbitrary, even when necessary and unavoidable. Organizations are limited by them. The legal services mantras of "You do not qualify" and "We do not do that" must disappear from the organizational vocabulary. A coordinated system using central intake gives a way to find some service for everyone. If one provider can do it, often another can. (And if it isn't there we know to build it!) There would also be avenues for people who do not qualify for traditional legal services through "unbundled" resources accessible by phone, fax and websites. Such access will include NLS staff or independent contractors who will provide fee-for-service legal advice by phone and email.

Creating a new kind of professional staff. Such a system will necessitate great emphasis on the initial intake personnel. They must be skillful interviewers and schooled staff who can quickly and accurately define the problems and direct the call or walk-ins. On a local level, the intake structure will have a network of "facilitators" who can assist in helping people find legal information and forms without further involvement and can funnel appropriate matters to the main intake mechanisms. Targeted facilitator groups would include: resource librarians, senior center staff, community health care workers and governmentally funded Family Resource Centers.

Three kinds of referral dynamics. Referrals occur in three spheres.

The first is a primary provider directing an eligible or ineligible person to another legal services organization. As noted earlier, the basic legal services' providers have fashioned their substantive law priorities, so that there is little duplication. There is no system however for each provider knowing details of what other providers offer and, to some extent, the other's specific eligibility guidelines. Although some of this information is commonly known, i.e., the senior law projects require that the potential client is at least 60 years old, other criteria are more subjective and subject to change, i.e., acceptance of drug-related evictions. Compounding the dynamic is that there are different levels of service in specific geographic areas.

The second dynamic is a referral from a primary provider to a non-legal entity, usually a social service provider. This system is fraught with all the problems recounted above and some additional ones. The fabric of social services in Nevada has both thin spots and outright holes. For example, local consumer credit counseling exists in Clark and Washoe Counties but not elsewhere. Homeless housing, food banks and other vital social services are scattered and localized making competent referrals an ongoing challenge. In 1996, NLS made an automated fax list of all of the social services providers in Clark County. Two years later it was severely impaired with more than 40% of the historic providers no longer having the same fax number or any at all. The proposed centralized intake and referral system will have to appreciate and cope with this ragged topography. It will never do so perfectly, but it can represent a more accessible labyrinth.

The third piece of the puzzle is a social service/governmental agency directing potential clients to legal service providers. If the legal assistance providers themselves have difficulty in an appropriate referral to another primary provider, it is easy to imagine the added risk for the non-legal provider agency. A centralized intake system can have a directly positive impact on this problem. The key will be for these referring groups to know the central phone number and when to use it. While this will be a challenge, it is less daunting than impacting other aspects of the referral quandary.

Intake capacity. The market for this intake proposal is staggering. With 400,000 people below 150% of the federal poverty guidelines, the system should be designed to handle 70,000 clients (and 145,000 inquiries) a year. Multiple encounters should be expected. They may first want only legal information, next forms and finally direct unbundled attorney representation.

Responsibility for development and operations. NLS has taken the lead in developing the intake system. NLS is in the best position to lead the way for this effort; however, it will also necessitate the cooperation and contribution of each of the other providers - with the support of the secondary stakeholders. The approach must by community-wide with voluntary participation. The idea must sell itself to be successful. Territoriality of the providers, ethical concerns of the bar, judicial support, acceptance by the private bar and sheer financial resources all present challenges to the implementation of a centralized intake/service system.

NLS proposes to provide fee-based work with non-LSC moneys, and other providers have the opportunity to participate if they choose. The marketing power of this strategy and the new funding it would create make services for those who do not financially qualify for free help essential to financing centralized intake for the low income population.

This level of technology is not within the internal grasp of NLS. An "application service provider" presents the best avenue of access to the equipment and structural expertise with NLS providing the clients/customers and the substantive knowledge/skills in the actual delivery.

Developmental costs. The initial costs are estimated at $350,000 over a three-year period. The estimated initial cost is $150,000 for each of the first two years, decreasing to $100,000in the third annum and $50,000 in the fourth. Additional funding for the beginning stages should be solicited with the plan of it becoming fiscally self- sustaining after two years of operation. The project should be independent after the fourth year of operation. Contributions from the other primary providers may be feasible. The current primary providers will experience a natural growth in clients/customers and will need to adjust their staffs within their own fiscal capabilities.

Appendix B.
An Expanded System of Pro Se in Partnership with the Courts

The Nevada Court system operates through four levels: State Supreme Court, Nine District Courts, 53 Justice Courts, and 14 Municipal Courts. See Chart 8 for an outline. Most of the civil legal service representation of low income residents is done in the Justice Courts. The practice of law is constitutionally the province of the Nevada Supreme Court which governs through the Nevada Supreme Court Rules. The Court has established the Nevada Supreme Court Council on Pro Se Assistance to oversee the development of pro se.

The Nevada Supreme Court Council on Pro Se Assistance also represents an institutional commitment to self-representation. The Council has been a champion of pro se expansion. The Council conducted a statewide survey of court personnel on the problems and solutions of self-representation in Nevada. The survey results were presented to the entire judiciary at the Millennium Conference of Nevada Judges in 2000. Currently the Council has been encouraged by the Nevada Supreme Court to begin formulating family law forms/instructions which the Court would consider and mandate as acceptable throughout the state. The first submission is expected in 2002. NLS and CCLS both participate in the Nevada Supreme Court Council on Pro Se Assistance.

Pro se can be a positive component for both the client and the court. Given the realities that there will never be enough legal services advocates and pro bono attorneys to maintain the one-attorney for one-client model, self-representation is needed as part of the response. This adaptation is not easily achieved, however, and much discussion, analysis and experimentation is required. The trend has been developing nationally, so that pro se is no longer a footnote in legal jurisprudence. In Nevada, there has been a recognition by the Supreme Court through the establishment of a permanent institution in the Pro Se Assistance Council.

Pro se programs are relatively low cost, high volume. They create court efficiency, good will with court administrators, judges and the public. Oversight and review process can prevent clients taking the wrong course of action and refer to legal representation when conditions change.

High quality pro se requires a disciplined, managed program to be in place supporting it. Successful pro se programs consist of: attorney oversight, help desk staffed by paralegals and trained volunteers, web based information system, education classes, follow up surveys on client and court personnel satisfaction.

Over the past few years a number of pro se prgrams have been established:

Clark County Family Law Self-Help Center;
Clark County Housing Self-Help Center;
Boyd Law School Classes;
Washoe County Family Court Facilitators Office;
VARN Pro Se Divorce Clinics; and
Pahrump Family Resource Center.

Creation of pro se programs requires partnerships. NLS and CCLS played essential roles in the creation of the Clark County Family Law Self-Help Center opened in 2000.

NLS has operated the Center through a contract with Court Administration of the Eighth Judicial District Court since the inception. The Family Law Self-Help Center has always been engaged with the Family Court Division of the Eighth Judicial District Court (Clark County) in formulating the structure of the Center and reviewing individual form/instruction packages. Similarly, the Washoe County Family Court Facilitators Office has provided direct legal information and forms since its inception two years ago. Both represent productive relationships between providers and the courts

Pro se works best in high volume areas of the law where the law is settled and much of the steps represent routine work. Current candidates for pro se development are: basic family law, landlord tenant and small claims plaintiff.

The goals for Nevada are to expand and strengthen pro se. Specifically:

- Increase acceptance by the court and the legal service programs.
- Increase penetration of pro se across all the court systems.

CHART 10

Nevada Court System

Nevada Supreme Court	Seven Justices. Single appellate forum
• **Administrative Office Of The Courts**	Maintaining and developing administrative mechanisms in the state judicial structure
District Courts (9)	Few low-income matters other than family cases. Two District Courts, Clark and Washoe Counties, have specialized "Family Court Divisions"
Justice Of The Peace Courts (53)	Most common venue for low income people. Residential housing, small claims, JC actions, all criminal indictments.
Municipal Courts: (14)	Traffic citations and non-violent misdemeanors.

Appendix C.
Is Pro Bono an Effective Way for Private Attorneys to Contribute in Nevada?

The State Bar of Nevada has 4,600 active members as of January 1, 2002. Approximately 3,000 practice in Clark County (Las Vegas), 1,000 in Washoe County (Reno) and the last 460 in the remaining 15 counties.

Statewide the largest firm has 35 attorneys, and the next five average 15 lawyers each. Bar Association surveys indicate that 75% of the entire attorney population work in firms of five attorneys or less. Sole practitioners comprise 30% of the market. Although there is a concentration of public lawyers in the capitol, Carson City, federal, state and local government bars account for 15% of the total count.

The average beginning salary in Clark County is $60,000; $50,000 in Washoe; and $45,000 in the rural areas of the state. It is presumed that few attorneys earn more than $150,000 per year. This presents an environment in which pro bono contributions of time or money is simply more difficult than in more affluent geographies.

There are effectively three pro bono programs in operation.

- Clark County Pro Bono Project (part of CCLS),
- Volunteer Lawyers of Washoe County Project, (part of WLS)
- Volunteer Attorneys for Rural Nevadans, Inc. (VARN, independent nonprofit corporation working under contract with NLS).

The operating levels are low: total for all three pro bono – 2001:

Cases closed 1,808
Attorney hours 6,240

Pro bono work throughout the state has been has consumed a considerable amount of effort by staff, Foundation Trustees and others, but the results have been disappointing. The low number of pro bono hours from current efforts makes it difficult to be optimistic about what can be achieved.

A "best guess" would be 12,000 hours statewide which represents two times the current contribution. The would be six "full time equivalents" in attorney time.

The role of the Bar and the feasibility of achieving full access can be explored by asking: what would it take to achieve full access with pro bono? Or could the 4,600 attorneys in the state, in partnership with the 25-30 legal service attorneys, achieve full access? It turns out the numbers are there.

If an attorney donated 1% of his or her time that would be 2 days/year of attorney time. If all 4,600 did that, the results would be 9,200 days or 73,600 hours. That would be equivalent to funding of $1 Million at ($75.00 per hour). This represents a serious contribution to the effort; however, full

participation is unrealistic. Even with this model, full pro bono deployment would fall far short of meeting the burgeoning needs of the state.

Lawyers as professionals no doubt donate their time to many causes. Many do pro bono work that is not recorded here or handled through the legal service system. It is clear, however, that civil legal services to the poor today is not a mission around which the private attorneys have focus their volunteer work. Planning conversations will explore the possibility of pro bono becoming a major strategic tool in realizing full access to justice.