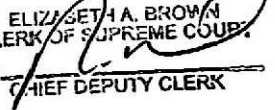


LEGAL AID CENTER ^{SINCE 1958}
of Southern Nevada

FILED

OCT 29 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

October 29, 2020

Elizabeth A. Brown
Clerk of the Supreme Court
201 South Carson Street
Carson City, NV 89071


SENT VIA E-MAIL TO
nvsclerk@nvcourts.nv.gov

Dear Ms. Brown and Honorable Justices of the Nevada Supreme Court:

Legal Aid Center of Southern Nevada has been involved in Nevada's Foreclosure Mediation Program ("FMP") from its inception over ten years ago. In addition to directly representing homeowners participating in the FMP Legal Aid Center has also assisted countless self-represented homeowners as they navigate the system on their own.

Legal Aid Center approves of the principle underlying the petition to amend ADKT 435, i.e. increasing utilization of the state-sponsored portal for exchanging documents related to the mediation. For so many years, parties claimed to have send documents which were never received, wasting the time of everyone. The Bankruptcy Court Foreclosure Mediation Program began using a portal years ago which was/is quite successful. The only concern we have with the rule is the requirement self-represented homeowners without the sophistication or equipment needed to comply might then be unable to utilize mediation. If use of the state-sponsored portal is mandatory, these homeowners would be unable to effectively participate because they cannot log in to the portal to see what documents are required and/or upload their documents into the portal. There must be a way for self-represented homeowners to see what documents are needed and submit documents to their lender even if they lack the equipment or technical skill to utilize the portal.

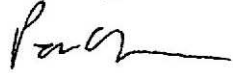
Permitting self-represented homeowners to send documents to their lender by email or postal mail would ensure that all homeowners would be able to utilize the FMP. Alternatively, should the Supreme Court decide that all participants must utilize the state-sponsored portal, assistance from Home Means Nevada could help. Unrepresented homeowners could contact Home Means Nevada to learn what documents are needed and then send their documents to Home Means Nevada, who could then upload those documents to the portal. We spoke with Shannon Chambers with this program, and she indicated that they would be willing to assist with this process.

Foreclosure Mediation Rule 13 could be amended to include a section directing Home Means Nevada to provide this assistance. For example, the new section could say "Any homeowner who is not represented may receive assistance interacting with the state-sponsored portal from Home Means Nevada, Inc. or its successor organization. The mediator shall provide contact information for Home Means Nevada, Inc. or its successor organization to all self-represented homeowners as part of the mediator's initial contact with the homeowner set forth in Rule 13(1)." 

20-39610

So long as self-represented homeowners are able to fully participate in the FMP, Legal Aid Center does not object to a requirement that all represented parties utilize the state-sponsored portal. Use of the portal streamlines the process and helps promote accountability by both homeowners and lenders. We thank you for consideration of these comments.

Sincerely,



Peter Aldous
Staff Attorney, Consumer Rights Project
Legal Aid Center of Southern Nevada

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