

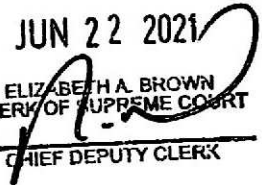
Since 1958  
**LEGAL AID CENTER**  
of Southern Nevada

21 June 2021

Elizabeth A. Brown  
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**FILED**

JUN 22 2021

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

**RE: Statement Supporting a Commission to Study Best Practices for Virtual Advocacy**  
**ADKT 581**

Dear Ms. Brown,

Pursuant to the *Order Scheduling Public Hearing and Requesting Public Comment* filed in ADKT 0581 on May 20, 2021, I respectfully submit this statement on behalf of Legal Aid Center of Southern Nevada supporting the creation of a commission to study best practices for implementing virtual advocacy in Nevada's courts.

Traditionally, the wheels of justice have been considered to turn slowly. In large part this is because the courts seek to engage in a ponderous, deliberative process designed to protect the rights of all involved and ensure the thorough consideration of the matters at hand.

The recent COVID-19 pandemic forced Nevada's courts to make uncharacteristically dramatic changes quickly, transitioning almost exclusively to virtual hearings. Now, however, the crisis appears to be coming under control, and the courts have the opportunity to reflect on what they have learned throughout the pandemic, keeping those innovations that work for Nevadans, and augmenting or modifying those that were less effective. This task would be best accomplished via the creation of a formal commission to thoroughly examine best practices regarding virtual advocacy for the citizens of Nevada before making permanent changes to how the judiciary's affairs are conducted.

As one of the state's largest law firms, Legal Aid Center of Southern Nevada has the privilege of representing a tremendous number of Nevadans on a range of legal claims nearly as diverse as the clients themselves. Legal Aid Center attorneys and their clients have interacted with most of the new virtual courts, and the experience varies widely depending on the nature of the court and claims involved.

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For example, consider the child welfare and divorce/custody courtrooms. Although frequently lumped together as “family courts,” the COVID-19 pandemic and resulting shift to virtual hearings has placed in stark contrast some of the critical differences between them. In our child welfare courtrooms, attorneys are provided to the parents as well as the children. Those attorneys have used their professional training and skills to help their clients participate in the new virtual court experience. Having routine hearings virtually has drastically reduced the “waiting time” at court, allowing attorneys time to visit their clients and work on cases. Similarly, caseworkers can spend more time working on their cases instead of waiting for hours at the courthouse.

On the other hand, many litigants in divorce and custody hearings have no representation. Successfully navigating the court’s elaborate rules and procedures was daunting enough to the untrained laity prior to the pandemic. For those without the tools or knowledge to successfully navigate the online world, not having an “in person” option has been prohibitively difficult. Certainly in cases where both parties are represented having virtual hearings on routine, non-evidentiary matters could improve efficiency, eliminating the need for attorneys to travel to the courthouse and wait for hearings, billing clients for this “wasted” time. But access to justice must be ensured for those unable to negotiate the technology needed for their day in virtual court.

The broad range of experiences of the attorneys and clients at Legal Aid Center have not resulted in the discovery of a single, “one size fits all” approach to virtual hearings that works for everyone. To the contrary, this crisis has highlighted the expansive breadth of litigants in Nevada’s courts as well as their diverse range of technical capacity and literacy. Although virtual hearings have proven to be an excellent tool that provides new benefits in many situations, they have also created new and unforeseen challenges to the administration of justice.

To best serve the citizens of Nevada, the judiciary should apply its time-honored tradition of deliberative decision-making to the question of virtual advocacy. That task should begin with the formation of a commission charged with thoroughly researching the experiences of all of Nevada’s litigants in virtual court and making recommendations based upon its findings. Should the Court decide to create such a commission, Legal Aid Center of Southern Nevada would be honored to be appointed to serve upon it.

On behalf of Legal Aid Center of Southern Nevada, its attorneys, and its clients, I thank you for the opportunity to be heard and considered on this matter.

Gratefully Yours,



Patrick Hirsch  
CAP Attorney  
Legal Aid Center of Southern Nevada