


8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
TELEPHONE 702.562.8820  
FACSIMILE 702.562.8821  
WWW.BAILEYKENNEDY.COM

BAILEY   
KENNEDY  
ATTORNEYS AT LAW


KIMBERLY R. MCGHEE  
Direct Dial  
702.853.0752  
KMcGhee@BaileyKennedy.com

**FILED**

December 16, 2010

DEC 20 2010

**SENT VIA FACSIMILE AND REGULAR MAIL: (775) 684-1601**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

The Honorable Ron D. Parraguirre  
Chief Justice of the Nevada Supreme Court  
c/o Tracie K. Lindeman  
Clerk of the Supreme Court  
Supreme Court Building  
201 South Carson St., Ste. 300  
Carson City, Nevada 89701-4702

Re: Amended Foreclosure Mediation Rules (Revised Draft 10/21/2010), Rule 4(2), ADKT No. 435<sup>1</sup>

Dear Mr. Chief Justice:

I write on behalf of the Committee to request that you and your Associate Justices consider exempting mediators who represent homeowners pro bono from disqualification under the proposed amended Rule 4(2).

As you and your colleagues may be aware, since its opening on December 7, 2009, the Regional Justice Center's Civil Law Self Help Center has been providing self-help legal information to those wishing to represent themselves in civil matters in the Clark County court system. An additional service that the Civil Law Self Help Center provides is an Ask-A-Lawyer Program which focuses on offering advice to the public relating to landlord/tenant disputes. The Ask-A-Lawyer Program is staffed by local attorneys working pro bono.

In addition to the current Ask-A-Lawyer Program relating solely to landlord/tenant disputes, the Committee intends to develop and implement, in conjunction with the Legal Aid Center of Southern Nevada, an additional Ask-A-Lawyer Program which would provide assistance to self-represented homeowners relating to the Nevada Foreclosure Mediation Program ("Mediation Ask-A-Lawyer

<sup>1</sup> Pursuant to ADKT No. 435, filed November 9, 2010, Order Scheduling Public Hearing, the Court invited written comments to the proposed rule amendments to the rules governing the Nevada Foreclosure Mediation Program by December 10, 2010. On December 14, 2010, the Regional Justice Center Neighborhood Justice Center Self Help Center Steering Committee (the "Committee") held its quarterly meeting during which the Committee discussed implementing an additional Ask-A-Lawyer Program. As the implementation of the proposed additional program is greatly affected by the adoption of amended Rule 4(2) of the rules governing the Foreclosure Mediation Program, the Committee respectfully requests that the Court consider the Committee's request as set forth herein.

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Mr. Chief Justice Ron D. Parraguirre  
December 16, 2010  
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Program”). It is from this new Mediation Ask-A-Lawyer Program from which the Committee’s request arises.

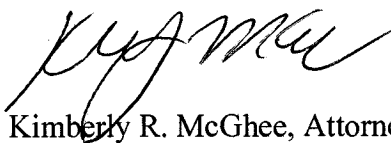
The Mediation Ask-A-Lawyer Program is intended to fill a void in our community regarding indigent homeowners’ access to legal advice and assistance with respect to the Foreclosure Mediation Program. However, in order to implement the Mediation Ask-A-Lawyer Program, it is necessary for local attorneys, specifically, local mediator attorneys, to volunteer their time, pro bono, to provide legal services to the clients in need.

Although the proposed amendment will only disqualify mediators who represent “homeowners or lenders *at mediations*” (emphasis added), in the event that proposed amended Rule 4(2) is adopted as written, many mediators may be wary of volunteering their time and providing legal advice to homeowners regarding their foreclosure mediations, as it may result in the attorney/mediator’s disqualification from future mediations.

In order to avoid any potential questions regarding whether providing advice to homeowners through the Mediation Ask-A-Lawyer Program could result in mediator disqualification, thus chilling the pool of prospective pro bono attorneys, the Committee respectfully requests that attorneys who represent homeowners pro bono be exempted from the disqualification requirement proposed in amended Rule 4(2).

Thank you for your consideration of this request.

Sincerely,



Kimberly R. McGhee, Attorney Member  
The Regional Justice Center Neighborhood Justice  
Center Self Help Center Steering Committee

cc: The Honorable Elizabeth Gonzalez  
Legal Aid Center of Southern Nevada