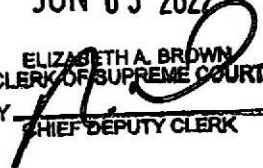


CRAAN
Creditor's Rights Attorney Association of Nevada
9510 W. Sahara Avenue, Suite 200
Las Vegas, NV 89117
(702) 685-0329

Hon. James Hardesty
Hon. Kristina Pickering
Access to Justice Commission
Nevada Supreme Court
408 E. Clark Avenue
Las Vegas NV 89101

FILED
JUN 03 2022
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

Via Email to Elizabeth A. Brown, Clerk of the Court

Re ADKT 0479, Amendments to SCR 216

To the Honorable Jams Hardesty, Honorable Kristina Pickering, on behalf of the Access to Justice Commission and the Nevada Supreme Court:

The Creditor's Rights Attorney Association of Nevada (CRAAN) hereby submits comments pursuant to the Order Scheduling Public Hearing on ADKT 0479.

CRAAN attorneys express their concern that 4% of IOTLA funds are to be diverted from their legal purpose without an intelligible standard or articulated purpose. Essentially, the proposed rule converts 4% of the fund from restricted to unrestricted. Nor does the proposed rule provide safeguards: a mindfulness requirement does not establish requirements for the use of the funds, rather it furnishes a suggestion.

Similarly, we express concern that appropriate safeguards are not in place to prevent the use of IOTLA funds supporting lobbying activities. Such activities may be permissible under IRS rules but run contrary to the interests of our members of the bar and their clients.

As members of the bar we do not have the opportunity to opt-in or out of SCR 217, nor do our clients, and therefore we believe that the lack of safeguards implicates our first amendment interests. E.g. *Keller v. State Bar of California*, 496 U.S. 1, 110 S.Ct. 2228, 110 L.Ed.2d 1 (1990) *held*: The State Bar's use of petitioners' compulsory dues to finance political and ideological activities with which petitioners disagree violates their First Amendment right of free speech when such expenditures are not necessarily or reasonably incurred for the purpose of regulating the legal profession or improving the quality of legal services. Therefore, we urge the Nevada Supreme Court to ensure adequate safeguards are in place. We do not agree with the proposed exemption of 4% subject to a mindfulness requirement and nothing more.

Thank you.

/s/ Roberta Ohlinger-Johnson
Nevada Bar Number 10946
Legislative Chair
Creditor's Rights Attorney Association of Nevada

22-17700