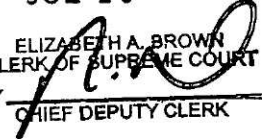


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JUL 25 2022

Comments on ADKT 0597  
Rhea Gertken, Nevada Legal Services  
July 22, 2022

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

On behalf of Nevada Legal Services (NLS), I am writing in support of ADKT 597 and unbundled representation in courts across Nevada. As the statewide provider of legal services in Nevada, NLS practices in courts in every county. This includes our pro bono program, which extends across the state to provide meaningful representation to low income litigants who do not have the financial resources to hire private counsel.

NLS recruits pro bono volunteers to represent clients in a variety of legal matters – from family law to consumer to probate – primarily providing representation in district courts across Nevada. While we operate Ask a Lawyer and other clinical programs, a major component and focus of our Pro Bono Program includes placing cases with pro bono attorneys that require extensive court representation. Most of these cases involve family law matters in district courts. While we do support the limitation of this rule to family matters as part of the pilot project, we also do not oppose and would support any expansion of this rule into other matters, whether in juvenile cases or other civil matters, as needed to provide significant pro bono legal services.

Limited scope representation would benefit legal services programs across Nevada to allow attorneys to provide pro bono services in more cases to ultimately help more Nevadans navigate our legal system. Through the years we have found it difficult to recruit volunteer attorneys to take cases that require extensive court representation. Some of our volunteers have suggested that limited scope representation would remove a barrier to taking on pro bono cases – by removing the uncertainty of litigation and defining how long they may be engaged in the representation. This limited scope representation rule allows attorneys the flexibility to assist pro bono clients in discrete matters before the court without having to agree to taking on potentially lengthy, complicated, contested litigation – cases in which pro se litigants need the most assistance. We are very appreciative of all of our volunteer attorneys and through our various programs are able to provide unparalleled service to our clients.

Allowing attorneys to take cases on a limited scope basis allows them to define and more readily execute specific tasks and goals without having to commit to a trial date months or even years into the future. This allows pro bono attorneys with already busy schedules to take pro bono cases they may otherwise not believe they could accept if they are able to limit the scope of the representation to defined objectives. In this way, more low income litigants who otherwise cannot afford to pay an attorney can receive significant and meaningful representation in courts across Nevada. Having an attorney early on in a matter might lead to early settlement, or at least assist in defining the actual issues for the court, while ensuring that someone who cannot afford an attorney has meaningful access to an attorney even if for a limited time.

The Access to Justice Commission's Unbundling Committee went through multiple versions in a collaborative process to ensure that clients, courts and counsel have defined procedures to follow. This rule is designed to ensure litigants are informed about their case at all times, the court and counsel are given guidance on communication with litigants at all stages of

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the representation, and courts have ultimate authority to order the withdrawal of the attorney to ensure the representation is complete.

One concern I do have with this proposal lies with the placement of the rule in the District Court Rules of Procedure and the application of Rule 5. The goal of the rule is to more uniformly apply limited scope representation to courts across the state and the pilot project was also designed to ensure the process and procedures put into place work well for litigants, courts and counsel. While I certainly see the benefit of allowing courts flexibility to create local rules that adopt limited scope representation, the pilot project was designed through a collaborative process with legal aid providers, private attorneys and members of the judiciary to truly iron out concerns raised with the practice in the Eighth Judicial District Court and ensure uniform application across the state. The rule applies equally to all attorneys – whether taking a case pro bono or limiting the financial burden on a paying client. As we place cases with matters before courts across the state, this is an important recruitment tool for potential volunteers that may be encourage to take a pro bono case if allowed to the limit the scope of their pro bono assistance. Ultimately, NLS simply wants to provide as much service to our low income clients as possible no matter where the clients lives. We would ask that this rule apply uniformly to all of the districts and not be superseded by local rule.

Thank you for time, attention and consideration of this matter.

Sincerely,  
Rhea Gertken  
Deputy Director  
Nevada Legal Services  
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