

LEGAL AID CENTER
of Southern Nevada

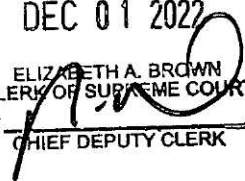
November 30, 2022

Via E-Mail: nvscclerk@nvcourts.nv.gov

Elizabeth A. Brown
Clerk of the Supreme Court
201 South Carson Street
Carson City, NV 89701

FILED

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

Re: **ADKT 0602**

In the Matter of the Amendment of Part 6 of Las Vegas Justice Court Local Rules of Practice Relating to Summary Evictions

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

Legal Aid Center submits this letter in support of the Las Vegas Justice Court's petition to amend part 6 of the Las Vegas Justice Court Local Rules of Practice (ADKT 0602) to facilitate the court's implementation of its new and innovative eviction diversion program.

Legal Aid Center has been proud to be part of a working group (that includes the Las Vegas Justice Court and other community partners) that has been meeting since early 2021 to address various issues relating to the housing and eviction crisis in Southern Nevada, a long-simmering crisis that was brought to a boil by the pandemic.

When the Las Vegas Justice Court applied for a grant from the National Center for State Courts to develop an eviction diversion program, Legal Aid Center enthusiastically wrote a letter in support of the court's grant application, as did a number of the other working group participants, including the Nevada Association of Realtors, the Nevada State Apartment Association, the Clark County Department of Social Services, and the Nevada Labor Commissioner, among others. Those letters of support are attached for your reference.

Now, with the court's grant secured, Legal Aid Center stands ready to provide the legal services component to the eviction diversion program and to help implement the court's vision of a program to address the holistic needs of individuals and families at risk of eviction or housing instability.

The proposed amendments to the Las Vegas Justice Court Rules of Practice accomplish two important things critical to the implementation of eviction diversion: First, the amendments to Rule 6.2 require the use of standardized court forms. Second, the new Rule 6.8 creates a broad framework for eviction diversion that will allow the court to develop and grow the program.

22-37848

The Benefits of Requiring Standardized and Mandatory Court Forms

The amendments to Rule 6.2 require both landlords and tenants in an eviction case to utilize the legal forms approved by the court available at the Civil Law Self-Help Center. In reality, most landlords and tenants are already utilizing those forms. In 2021, for example, over one million users visited the Self-Help Center's website (www.civillawselfhelpcenter.org) and nearly 50,000 people visited the Self-Help Center in person.¹ The majority of people utilizing the center and its website were landlords and tenants. This year alone, for example,

- The "Evictions & Housing" section of the Self-Help Center website has been visited 517,743 times.
- Of the total users visiting the website's "forms" page to download legal forms, 33.94% of those users were looking for eviction and housing forms.
- The automated "guide and file" interviews that allow landlords and tenants to prepare and file their court documents online have been used nearly 12,000 times.

The benefits of standardized court forms cannot be denied. Standardized forms can be designed to include useful instructions; they can be made easy to read, understand, and use for the benefit of pro se litigants (the bulk of the litigants, both landlords and tenants, in eviction cases); and they can be readily translated into other languages to help non-English speakers fill out the English-language versions. Standardized court forms are also carefully created with input from subject matter experts; they are continuously improved through testing and public comment; and they are regularly modified to reflect any statute or rule change.

California has, for example, recognized the benefit of mandatory court forms for over thirty years.² Well over 600 forms have been adopted by California's Judicial Council for statewide use, many of which must be used by both attorneys and self-represented litigants.³

Nevada too has recognized the benefits of standardized forms. This Court, for example, has mandated the use of standardized forms for protection orders.⁴

Utilizing eviction forms that are standardized and mandatory will allow the court to ensure that the documents being filed capture the information necessary to allow the court to

¹ See 2021 Annual Report, Legal Aid Center of Southern Nevada, https://www.lacsn.org/images/annual-reports/lacsn_annual_report_2021.pdf.

² See *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources* [hereinafter *Best Practices in Court-Based Programs*] at 44, Self-Represented Litigation Network (2008), <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/328>.

³ See *id.* According to the Judicial Council's website, each standardized form indicates on the first page whether the form has been "adopted" and is mandatory or was "approved" and is optional. By local rule, many California courts have made some or all of the optional forms mandatory. See <https://www.courts.ca.gov/3019.htm>.

⁴ See Order Adopting Standardized Forms for Protection Orders, ADKT 0269 (Nev. S. Ct., June 4, 2020); Order, ADKT 0269 (Nev. S. Ct., July 2, 2020).

identify cases eligible for eviction diversion. As the diversion program grows and evolves, the information captured by the forms can similarly change to meet the program's needs. Mandatory forms also benefit the landlords and tenants – the self-represented litigants actually trying to navigate the court system – by providing a body of forms that is readily accessible, easy to use, accurate, and acceptable to the court.⁵

The Benefits of Eviction Diversion

The new Rule 6.8 creates the basic framework for the court's implementation of the eviction diversion program.

Subsection (a) of the rule allows the court to identify eviction cases suitable for diversion, and subsection (b) provides latitude to the court to modify the selection criteria according to the diversion program's capacity and resources. Subsection (c) provides that tenants selected for the program will receive an order from the court requiring them to appear at diversion to meet with a caseworker, a social services expert able to evaluate the tenant not only for available rental assistance but also for other programs for which the tenant might be eligible (food programs, medical care, transportation, employment and job training, etc.). And subsection (d) allows those cases where mediation might prove beneficial to be funneled into free mediation through the Neighborhood Justice Center (similar to the current eviction mediation program operated by Home Means Nevada).

The benefits of eviction diversion are undeniable, and the trend toward court utilization of such programs is clear. Indeed, earlier this year, the American Bar Association adopted the *ABA Ten Guidelines for Residential Eviction Laws*, urging that "courts should require landlords and tenants to participate in pre-litigation diversion programs focused on maintaining housing stability."⁶ This guidance came after a report that the ABA published in conjunction with the Harvard Negotiation and Mediation Clinical Program in 2021 titled *Designing for Housing Stability: Best Practices for Court-Based and Court-Adjacent Eviction Prevention and/or*

⁵ The majority of landlords and tenants in eviction cases are self-represented. As stated by the Self-Represented Litigation Network:

Litigants who use forms prepare legally sufficient pleadings more often, understand the system better, and complete the process faster and more frequently. When forms are available and used, courts run more efficiently and effectively, can decide disputes on the merits more often, and can present better data to decision makers. Forms also encourage jurisdictions to establish what issues are important for a legal problem and the process for resolving that problem. This allows for potential further improvements.

Best Practices in Court-Based Programs, *supra* n.3, at 43. The same report noted that while some jurisdictions that have adopted mandatory standardized forms "have experienced initial reservations on the part of the organized bar, the reservation often disappears when the benefits for the bar become clear." *Id.* at 44.

⁶ See Amanda Robert, *10 Guidelines to Aid Tenants and Landlords in Eviction Crisis are Adopted by the ABA House*, ABA Journal (Feb. 14, 2022), <https://www.abajournal.com/news/article/ABA-House-OKs-guidelines-that-will-aid-tenants-and-landlords-in-ongoing-eviction-crisis>; *ABA Ten Guidelines for Residential Eviction Laws* (Mar. 14, 2022), https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction-housing-stability-and-equity/guidelines-eviction/

*Diversion Programs.*⁷ In part, the report analyzed data from 47 formally-designated eviction diversion programs across 30 states⁸ – a number that has grown significantly in the past year as the U.S. Attorney General and the Department of Justice have urged state courts to implement eviction diversion strategies⁹ and the Department of the Treasury has developed resources for jurisdictions to shape strategy and “have actionable steps to address eviction diversion.”¹⁰

The dozens of eviction diversion programs that now exist across municipal and state governments around the country have each adopted various features and structures to address their community’s unique needs. This has led to thousands of landlord-tenant pairs successfully resolving their cases out of court together¹¹ and has allowed tenants to remain housed while landlords get paid. Further, the meaningful intervention for tenants that many programs have implemented¹² helps prevent the tenant from finding themselves in the same situation going forward, contributing to the overall stabilization of the housing market.

The positive outcomes that other jurisdictions have enjoyed gives Las Vegas sound reason to look forward to the benefits this program will bring to this community.

⁷ See DEANNA PANTIN PARRISH, “DESIGNING FOR HOUSING STABILITY: BEST PRACTICES FOR COURT-BASED AND COURT-ADJACENT EVICTION PREVENTION AND/OR DIVERSION PROGRAMS” (ABA & Harv. Negotiation and Mediation Clinical Program, eds., 2021).

⁸ *Id.* at 18.

⁹ Nat’l Low Income Hous. Coal., *U.S. Attorney General Garland Meets with State Supreme Court Justices to Encourage ERA Awareness-Raising and Eviction-Diversion Strategies* (Aug. 16, 2021), <https://nlihc.org/resource/us-attorney-general-garland-meets-state-supreme-court-justices-encourage-era-awareness>.

¹⁰ *Eviction Diversion*, U.S. Department of the Treasury (last visited Nov. 29, 2022), <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/promising-practices/eviction-diversion>.

¹¹ In Philadelphia’s nationally-lauded eviction diversion program, 80% of more than 3,000 landlord-tenant pairs that have participated in the mediation-based program have resolved their cases out of court. Aaron Moselle, *Philly’s eviction diversion program poised for 18-month extension*, WHYY (Oct. 13, 2022), <https://whyy.org/articles/philly-eviction-diversion-program-extension/>.

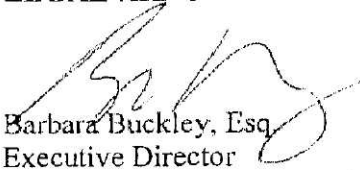
In New Orleans, over 500 households were able to resolve the dispute with their landlord in a way that did not result in eviction in the first nine months of the program, which began in January 2021. City of New Orleans, *City of New Orleans Eviction Diversion Project Wins the 2021 Legal Service Innovation Award* (Oct. 15, 2021), <https://nola.gov/next/mayors-office/news/articles/october-2021/city-of-new-orleans-eviction-diversion-project-wins-the-2021-legal-service-innovation-award/>.

After Hawaii devoted additional resources to its statewide, mediation-based eviction diversion program, the rate of eviction mediations that resulted in a successful arrangement between landlord and tenant where the eviction was not carried out rose from 11% to 85%. RAY KONG ET. AL., *EVICTON PREVENTION THROUGH HAWAII’S TENANT-LANDLORD MEDIATION PROGRAM* (Hawai’i Appleseed Center for Law & Economic Justice & Housing Crisis Research Collaborative, eds., 2022).

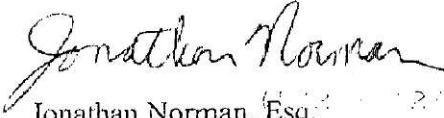
¹² The most effective eviction diversion programs implement non-legal advocacy and social services that can include (but are not limited to) financial and housing counseling, relocation assistance, and case management/referral services to programs that help with childcare, substance abuse, employment, food insecurity, mental health services, etc. See *DESIGNING FOR HOUSING STABILITY*, supra n. 7.

In sum, Legal Aid Center wholeheartedly supports the Las Vegas Justice Court’s envisioned eviction diversion program and encourages this Court to consider and approve the proposed amendments to the Las Vegas Justice Court’s rules to implement that program.

LEGAL AID CENTER OF SOUTHERN NEVADA



Barbara Buckley, Esq.
Executive Director
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Statewide Advocacy, Outreach and Policy Director for
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Attachments: Letters submitted in support of Las Vegas Justice Court grant application



EDI Advisory Council
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23185

January 20, 2022

EDI Advisory Council,

The Nevada REALTORS® is writing this letter in support of the grant application submitted by Las Vegas Justice Court Chief Judge Melissa Saragosa. The Nevada REALTORS® represents over 20,000 members and advocates for private property rights in Nevada. An Eviction Diversion Initiative Grant Program such as this can be most successful when created by the Court with the input of industry partners and important stakeholders such as the REALTORS®.

The REALTORS® have always been committed to supporting eviction courts working efficiently and effectively and in the best interest of promoting fairness for all. We are in support of Court-based eviction diversion programs aimed at mitigating harm working with key stakeholders ensuring the work done is intentional and collaborative. We urge you to consider this application; without this grant, these types of programs would not be possible.

Thank you for taking this letter of support into consideration for the above referenced grant application.

Sincerely,

A handwritten signature in cursive script that reads "Teresa McKee".

Teresa McKee, Nevada REALTORS® CEO

cc: Chief Judge Melissa Saragosa



January 20, 2022

Susy Vasquez
Executive Director
The Nevada State Apartment Association
director@nvsaa.org

To Whom It May Concern,

On behalf of the Nevada State Apartment Association, we submit this letter of support for the National Center for State Courts (NCSC) Eviction Diversion Initiative Grant Program. The Nevada State Apartment Association (NVSAA) is a not-for-profit organization who provides Nevada's multi-housing industry with legislative support, education, and community outreach, representing over 165,000 rental units throughout the state.

The Nevada State Apartment Association is supportive of the grant program for the following reasons, which include diverse hours for court proceedings, remote court appearances, and offering additional resources for litigants who do not have access to a lawyer.

- Unlike other court cases, evictions can be scheduled on short notice for the landlord and the tenant. A person's daytime obligations, such as work, childcare, and other prior responsibilities may conflict with a short notice eviction proceeding. Offering hours that may be out of the norm for courts would benefit people with these conflicts, especially if hours are scheduled later in the day or on weekends.
- Over the last two years the world has adjusted to a new way of life due to the COVID-19 pandemic, especially when it comes to remote meetings. Litigants may be dissuaded from attending a meeting in person for various reasons, including costly and time-consuming travel, or fear of exposure to COVID-19. Offering remote court appearances for initial court dates and status hearings may help increase participation. Additionally, integrating more modern technology, such as text messaging, chatbots, or e-mail, can be a more effective way at providing litigants with more information, such as how and when they can participate in court proceedings.
- Many tenants do not go through the eviction process with a lawyer, not only during their court appearances but in navigating and accessing resources. By including information on resources in the Summons and Complaint a tenant will have needed information directly at their fingertips. Additionally, by bringing such resources into a court setting, the burden can be lessened on the litigant.

Sincerely,

A handwritten signature in dark ink, appearing to read "Susy Vasquez", is written over a faint, larger version of the same signature.

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Labor Commissioner

STATE OF NEVADA



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January 17, 2022

National Center for State Courts
300 Newport Ave
Williamsburg, VA 23185

Re: Eviction Diversion Initiative (EDI) - Letter of Support for Clark County

Dear National Center for State Courts:

The Nevada Labor Commissioner submits this letter of support for Clark County for the Eviction Diversion Initiative (EDI).

The Office of the Labor Commissioner (OLC) is the principal wage and hour and labor regulatory agency for the State of Nevada. Our main responsibility is to resolve labor-related problems in an efficient, professional, and effective manner. This includes educating employers and employees regarding their rights and responsibilities under the law and taking enforcement action, when necessary, to ensure that Nevada's workers are treated fairly and compensated for all time worked. In addition, the OLC provides information to employees and employers about employment opportunities to promote a healthy labor market and coordinates with other agencies on housing and labor issues.

The last few years have resulted in job loss, job changes, and many individuals simply struggling to make ends meet and pay their rent. An EDI program in Clark County will provide a much-needed program to provide tenants and landlords with the information, and resources necessary to resolve their housing problems. The EDI program can provide:

- On-site legal aid and mediation services and self-help resources for landlords and tenants.
- On-site housing referrals, legal referrals, financial counseling, and employment referrals.
- Screening for rental and financial assistance programs.
- Assistance navigating the court process and assistance with cases.
- Technology to improve access to the court system and service providers.

An EDI program for Nevada citizens is a necessary element in providing housing stability and increased employment and/or social services opportunities through EDI resources and referrals. The Nevada Labor Commissioner offers full support for Clark County and their EDI grant application.

Sincerely,

Shannon M. Chambers
Labor Commissioner - State of Nevada