

The Nevada Supreme Court Access to Justice Commission



Assessment of Civil Legal Needs and Access to Justice in Nevada

July 2008

Final Report

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"Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Lewis Powell, Jr., U.S. Supreme Court Justice

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Access to Justice Commission Co-Chairs: Justice Michael L. Douglas and Justice James W. Hardesty

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Executive Summary

The Supreme Court of Nevada created a permanent Access to Justice Commission (Commission) in June 2006. The Commission is supported by a Director who is employed by the State Bar of Nevada. In 2007, Nevada became one of many states to commission a needs assessment of its residents' access to civil justice. To accomplish this, the Supreme Court of Nevada Access to Justice Commission contracted for three projects as part of a statewide assessment of the civil legal needs of low and moderate income residents.

The projects include a telephone survey, a needs assessment, and strategic planning as part of a statewide assessment of the civil legal needs of low and moderate income residents. In March 2008, "Nevada Civil Legal Needs Survey" was published by Gene Kroupa & Associates, LLC (GKA), a research firm retained by the Commission to survey 1,000 statewide residents from targeted geographic regions and analyze the results. The survey was conducted in November 2007 and covers solely the civil legal needs of Nevadans.

The second project was to use the survey results to further delve into the civil legal needs of Nevadans through research, interviews and analysis. Following receipt of the telephone survey results from the State Bar of Nevada, Social Entrepreneurs, Inc. (SEI) a management consulting firm was contracted with for the remaining projects. SEI conducted targeted research to complete the needs assessment. Research included demographic and situational characteristics of low-income residents in Nevada, accessing data from Clark and Washoe Counties, Carson City, the State demographer, the US Census and existing reports. Data was also provided by the State Bar of Nevada, Legal Service Corporation (LSC) providers, non-LSC providers, and other service providers including Nevada 2-1-1. Providers were issued a questionnaire that asked for information including services provided and eligibility requirements. Websites and program publications were also used to better understand the service delivery system. This report is the result of that research and will serve as a resource during strategic planning, the third and final project of this assessment effort.



Failure to provide equal access to justice has significant social and economic implications for Nevada. While it is largely accepted that access to justice is a public responsibility, it also requires a commitment of resources. In Nevada, those resources are woefully inadequate.

The lack of investment in providing access to justice costs all citizens both economically and socially, beyond the immediate impact on the justice system.

The telephone survey showed that,

- 20% of those with one or more legal problems received help from a lawyer for at least one but not all of the legal problems they identified. Many of those who asked for help did not receive help from a lawyer.
- Over two-thirds of low to moderately low income households experience significant civil legal problems that would ordinarily require at least some assistance from an attorney in order to resolve them.

A number of factors impact the gaps and priorities for Nevada and many correspond with the telephone survey results. They include:

- Nevada's geographic expanse with rural, urban and frontier counties poses a unique challenge in providing legal aid and ensuring equal justice under law, primarily as it is expensive to maintain offices in locations with small population centers,
- Nevada's population growth over the past 10 years, coupled with a dramatic shift in the demographics of Nevada's residents, impacts service delivery. With more seniors, a growing immigrant population, and a growing number of homeless individuals and families, the demand on the legal system will only continue to increase,
- The number of Nevadans in search of assistance continues to grow. This is particularly true in the area of family law where the overwhelming majority of parties are representing themselves without the help of an attorney.

Generally, anyone unable to pay for an attorney must navigate the legal system on their own. This affects both the quality of the justice they achieve and the ability of the court personnel to provide services in a timely manner. Key informant interviews and focus groups provided considerable context for understanding how an insufficient civil justice system is experienced on a day to day basis.

- Participants in the needs assessment described Nevada's civil legal system as one with insufficient resources and pockets of unmet need.

Throughout the state providers noted that they would like to advertise but they can't meet current needs let alone increased needs without more staff to back up the system and manage intakes and interviews. They fear being deluged by new clients when they can't serve current needs.

- Because of the scarcity of resources, there are groups of individuals experiencing a lack of access either due to their geographic location, not meeting eligibility requirements, or because no funding is available to serve a particular type of legal need. Legal aid providers funded by the Legal Service Corporation (LSC) have different funding requirements, mandates and priorities in providing civil legal aid than do non-LSC providers.

When Nevadans experience civil legal needs, focus groups and key informants report that their experience will vary

dependent upon statewide differences in how the court system operates, how, when and if representation is provided, and how law enforcement views and acts upon various orders. While federal funding is provided to serve the entire state, with the geographic makeup of Nevada it is virtually impossible to serve the civil legal needs of Nevadans statewide with the current level of funding.

In Northern and Southern Nevada, those interviewed indicated they often learned about services by word of mouth or through a court or social service referral. Those interviewed reported receiving some level of assistance, usually beginning with information, kits or forms and in some cases culminating in representation by a lawyer. Focus group participants and key informants from rural areas noted less awareness and availability of services to meet their civil legal needs and more often did not report receiving representation.

Nevada's current system is seen by some providers as crisis driven rather than prevention and intervention oriented which could be a better use of the available resources. In terms of prevention, interviewees reported that more information is needed by the general public regarding the legal system, and legal process in general, to have realistic expectations about how the system works, how much time it takes to resolve a civil legal need and what the potential outcomes are.

- Prevention activities are stunted by the fact that to educate the public about the system includes education about low cost services. All providers interviewed expressed trepidation about publicizing the availability of services which are insufficient to meet current demand. This reluctance to flood a system that is already drowning in clients is understandable.
- At the same time, key informants note that without intervention, the system will remain crisis oriented, rather than allowing opportunities statewide to prevent and intervene before a legal matter becomes a crisis.

Civil legal aid resources exist at varying levels throughout the state due to differences in available resources, eligibility requirements, and demand. In general, organizations serve target populations and must prioritize client cases because of demand that exceeds resources available.

“One issue becomes another and another. I had a financial issue. Now I may lose my housing. If I lose my housing I will have trouble keeping my job. If I lose my job, I have bad credit and now you can't get a decent job unless you have good credit. It's a catch-22. I am trying to pay my bills and may lose my house and my job.” Focus Group Participant

Civil legal need experts in Nevada noted that a true continuum of services is needed statewide to ensure that regardless of the civil legal need, or where someone lives, that some assistance is available. Strengthening the continuum of services could include ensuring statewide access to information and forms, kits for certain types of legal needs, classes, one on one coaching related to forms, access to a paralegal or person who can manage the navigation of the system and access to an attorney.

“I first came here for help with a bankruptcy. Now I am back for help with a divorce. They (Legal Services) really make a difference when you don’t know where to go.” Focus Group Participant

- In general, family, finance, and housing civil legal needs are the greatest and most common needs identified in both focus group and telephone survey results. Immigration needs were identified in the small format focus groups. It is assumed that persons were less likely to identify immigration as an issue during the telephone survey.

Focus groups, key informant interviews and research indicate that Nevada has the following gaps in services:

- Insufficient number of low or no cost lawyers to address civil legal need cases (Washoe County, Clark County and the Balance of State)
- Insufficient specialty clinics to address family and consumer cases (Washoe County, Clark County and the Balance of State)
- Insufficient pro bono attorneys including those with expertise in specific areas of civil legal need including financial, housing and family law (Washoe County, Clark County and the Balance of State)
- Inability to address immigration issues (Washoe County, Clark County and the Balance of State)
- Need for expanded self-help services with support including non-legal supportive services
- Need for increased education and awareness about civil legal needs and options to address the needs
- Need for improved coordination between social and legal services to address ancillary issues that impact legal needs and that may become a secondary legal need

These needs are only likely to increase. Research indicates that Nevada’s population has exploded in the past 20 years and will continue to change in the near future. Growth of the state as a whole, coupled with changes to the demographic make-up, present unique issues for serving the state’s needs for civil legal aid. Nevada’s overall population growth has been accompanied with shifts to the demographic make-up of the state. One such shift is a significant jump in the number of older adults and seniors as a percentage of the total population. In Nevada, the greatest shift has been a recent increase in the number of persons of Hispanic Origin. Growth of the Hispanic population is projected to continue, reaching an estimated 31% of the total population by 2020. Clark and Washoe Counties have a far greater concentration of persons of Hispanic Origin and also Asian or Pacific Islanders than the rest of the state. Clark County also has a much higher percentage of Black individuals than other areas of the state.

In 2005, updated estimates developed by the Census Bureau indicated that 11.1% of Nevadans were below the poverty level during the past 12 months. In 2006, over one-fifth (21.5%) of families maintained by women with no spouse present had incomes below the poverty level, compared to 3.9% of families in married couple households. Children in female headed households with no husband present are also far more likely to experience poverty. Significant disparities in poverty are also associated with race and ethnicity. In 2006, 17.4% of Native Americans in Nevada lived below the poverty level during the past 12 months, more than any other racial or ethnic group. While poverty status provides some measure of extreme financial need, families earning incomes far above the poverty income level can also experience hardships in keeping up with the cost of living and accessing legal services. Almost one-third of all households in Nevada have a total household income (combining the incomes of all members of the household) under \$35,000 per year.

The results of the telephone survey showed that many people experienced more than one legal problem within the past 12 months. For example,

- Of 207 persons that identified a housing problem, 74% of this group also reported financial problems, 50% reported a domestic problem, and 46% reported a benefit problem.

In terms of housing, the Department of Housing and Urban Development (HUD) in 2002 published a report that indicated that consistently high rates of discrimination were found across all 23 metropolitan areas included in the study and across three minority groups tested including Black/African American, Hispanic and Asian or Pacific Islander individuals. Although data for Nevada was not provided by this study, it is reasonable to believe that the high rates in discrimination found across all regions of the country are also experienced in Nevada's urban areas. According to RealtyTrac, an online marketplace for foreclosure properties, Nevada posted the nation's highest foreclosure rate in 2007 with 3.4% of its households entering some stage of foreclosure during the year.

- 47% of households surveyed faced some type of personal finance or consumer-related legal issue within the past 12 months. Focus group and key informant results validate this finding.
 - The most prevalent issue by far was being contacted by a collection agency regarding unpaid bills; this happened to 33% of households surveyed. Three other issues were reported by 11% to 14% of households each: having a major problem with a creditor, having a local utility cut off service or threaten to stop service to the household, and dealing with incorrect information in a credit report.
- Nevadans had the second-highest average credit card balance in the nation at \$7,645 in 2007.

Almost 700,000 people – over 28% of the state's population – had been at or below 200% of the federal poverty level in the preceding year. This may be a better indicator of the prevalence of financial duress than looking at the standard poverty level as many people below 200% of the federal poverty level are likely to have financial issues. In 2007, there were a total of 10,865 filings for personal bankruptcies in Nevada courts. 83% of these filings occurred in Southern Nevada and 17% were in Northern Nevada. Nevada also ranked 2nd in the nation in identity theft complaints per 100,000 people.

The Nevada Civil Legal Needs Survey found that one-fourth (26%) of respondents experienced a family- or domestic-related legal problem. The telephone survey only reached adults and did not directly address any legal issues from the perspective of children. Therefore it does not provide a basis to understand the extent to which children need legal advocates on family-related civil matters that directly involve the child such as disputes over custody or guardianship of children, advocacy for children removed from their homes due to substantiated abuse or neglect, and efforts to terminate parental rights. Key informant interviews indicated that child advocacy is an unmet need throughout the state.

In 2006, a total of 65,085 domestic violence contacts were made. Of this total, 38,297 were recorded as first time contacts, meaning they had not previously contacted the agency regarding an incident of domestic violence. Reporting domestic violence is a difficult and sometimes dangerous event requiring trust between the domestic violence victim and the agency. For this reason, phone survey data related to domestic violence, such as the data obtained in the Nevada Civil Legal Needs Survey, is likely to only show the tip of the iceberg.

Statewide in Nevada, there were 118,148 open cases for determining child support payment obligations or enforcing existing child support payment obligations as of February 2008. Of these, payment obligations had been established in 74,716 cases (63% of the total) so that the primary legal issue in these cases is enforcement of the payment obligation. According to a 2007 report in the Las Vegas Review-Journal, child support was collected in only 46% of the cases in the state during fiscal year 2004-05. A performance audit of the state child support system showed that Nevada ranked 49th in the country in establishing paternity, 49th in the amount of child support collected, and 48th in the number of cases where support payments are not current. Nancy Ford, administrator of the state Welfare Division, specifically noted that “part of the problem is that Nevada’s child support system relies heavily on legal procedures.”

In the twelve month period from July 1, 2006 through June 30, 2007, there were 6,179 elder abuse and neglect complaints reported in the state database. This is an increase of over 28% in just two years from 2004-05, when there were 4,806 complaints of elder abuse recorded. Of the 2006-07 complaints, 1,579 or about 25% of the complaints were substantiated through investigation by law enforcement or other agencies. As with child abuse and neglect, there is no way to know the true prevalence of elder abuse and neglect since undoubtedly many incidents go unreported.

An important measure of legal support needs is the number of actual court cases related to family issues. From July 1, 2005 to June 30, 2006, there were 59,571 family-related cases opened in Nevada’s District Courts plus an additional 1,740 requests for Domestic Violence Protection Orders processed by Justice Courts, producing a total of 61,311 family-related cases in Nevada courts. There were a total of 9,990 family court cases that potentially involve child support obligations – 1,611 Support/Custody cases, 7,785 Uniform Interstate Family Support Act cases involving maintenance of a spouse or child when one party resides in another state, and 594 paternity cases. Other data indicates that there are currently over 43,000 cases were in various stages of the legal process to determine child support obligations, and tens of thousands of other cases where child support obligations have been established but support payments are not current.

The total of over 61,000 family-related cases that were opened in court in a 12 month period should be viewed as an indicator of the minimum level of demand for family-related legal services. The actual demand is certain to be far greater, given the need for legal assistance to evaluate situations and determine an appropriate course of action before a case would make it to the court system. In addition, from April to June 2006, there were approximately 6,000 children in out-of-home placements, primarily in foster care homes, while only 12 funded child advocacy legal aid attorneys in the state.

A variety of situations related to employment can create needs for legal assistance. Discrimination in hiring, firing, discipline, promotions, or the terms of employment is a commonly recognized challenge. Additional employment-related issues can include illegal employment practices, problems accessing unemployment compensation or workers compensation

benefits, problems with pension plans or other retirement benefits, and issues with pay or withholding. The Nevada Civil Legal Needs Survey reported that 19% of respondents had some type of employment-related legal problems within the last 12 months.

On the average in 2007, over 13,000 people every month file an initial claim for unemployment benefits (in other words, request benefits for the first time for a specific period of unemployment). For the first six months of 2007, an average of 12,675 people per month filed an initial claim and 6,118 people received an initial payment after being approved to receive benefits. This suggests that roughly 50% of people filing initial claims were not able to receive benefits. Unemployment rates in Nevada have been climbing steadily for the past year. In January 2008, the seasonally-adjusted unemployment rate for Nevada was 5.5%, compared to 4.5% in January 2007. A national survey conducted by Harris Interactive for Kelly Services and CareerBuilder.com found that one in five working Americans feel they have faced discrimination on the job. More specifically, 23% of diverse workers said they had been discriminated against or treated unfairly in the workplace based on their background.

Persons with disabilities or serious health conditions can face unique civil legal needs such as being fired by an employer in violation of state and federal laws, workplace modifications not being made, losing coverage of a health insurer, and inaccessibility of public facilities. For 2006, the lowest estimate found was that 12.6% of Nevada's population ages 5 and over – 287,816 people – had at least one disability. A much higher percentage of people in the rural regions of the state have disabilities than in the urban areas; over 16% of the population outside of Clark and Washoe Counties has at least one disability, compared to less than 13% in Washoe County and fewer than 12% in Clark County. The percentage of seniors with physical disabilities – 29.5% – is particularly notable since accommodations like ramps, handrails and other structural supports are often needed to make public facilities accessible for persons with physical disabilities.

“My husband is getting no help at all. He had to stop working because of his health. He was in Vietnam and exposed to Agent Orange—he has multiple health problems—diabetic, on oxygen, and needs therapy. But we can’t get disability or social security because he had retirement, and supposedly he doesn’t qualify. He used to make \$4,000 a month and his retirement income is \$1,700. He’s filed claims through the VA but they say it just takes forever...meanwhile we’re barely getting by. We don’t know where to turn.”

Focus Group Participant

One portion of the Nevada Civil Legal Needs Survey dealt with civil legal problems associated with applying for or receiving government assistance program benefits for individuals and families. More than half (61%) of survey respondents had applied for or received benefits from at least one public assistance program such as Medicare, Medicaid, Social Security for the disabled, Supplemental Security Income (SSI), food stamps and other such programs. The survey results indicated that 24% of respondents experienced a problem related to public benefit programs.

On the surface, the results of the Nevada Civil Legal Needs Survey would suggest that relatively few legal problems are experienced related to immigration status or language proficiency. Only 4% of survey respondents overall indicated that they had any immigration or language problems in the last 12 months. The Census Bureau estimated that in 2006, there were 475,914 foreign born residents of Nevada, accounting for 19% of the state's total population. Of these immigrants, 303,409 were not a U.S. citizen and the remaining 172,505 were naturalized citizens. Income levels tend to be low among this population. 16% were living below 100% of the federal poverty level and another 29% were between 100% and 199% of the poverty level, so overall 45% of non-citizen immigrants were below 200% of the poverty level.

According to the 2006 American Community Survey, 27% of Nevada residents speak a language other than English as their primary language at home. Almost 300,000 people in Nevada ages 5 and over speak English less than "very well." This may make it more difficult to interpret information about available services in order to know where to go for assistance, difficult to communicate with legal aid providers when they do locate a provider, and difficult to understand written and verbal information provided by legal aid providers and courts. Many focus group participants identified experiencing immigration, family and financial legal needs.

The Nevada Civil Legal Needs Survey reported that approximately one in 10 households with a Native American tribe member experienced problems related to being Native American that could require legal assistance. If this rate was applied to the estimated 36,000 Native Americans in Nevada in 2007, it would translate into about 3,600 people experiencing problems specifically related to being Native American.

The results of the Nevada Civil Legal Needs Survey found that 12% of survey respondents indicated that they or a household member had court or administrative hearing issues within the past 12 months. From July 1, 2005 to June 30, 2006 for matters not covered previously in this summary; a total of 109,491 such cases were opened during the year. In addition, there were 39,443 housing-related civil cases and 59,571 family-related cases, bringing the total civil caseload up to 208,505.

The State Bar of Nevada data system shows that there are a total of 5,997 active members that reside and practice within the state. An additional 1,227 State Bar of Nevada members reside outside of the state.

Focus group participants describe life without a legal work permit as "living in the shadows and in a constant state of fear;" fear to drive a car, fear to pay a parking ticket, fear to call take action against landlords for unsafe housing, fear to press discrimination charges for employment or workplace safety, fear to go to a doctor for preventative medicine, fear to speak to police officers, and most of all fear that their children will be taken away.

Judges are not included in either of these statistics--a total of 152 judges are active members of the State Bar of Nevada. The fewest legal aid resources per person in poverty are in Clark County, closely followed by the Balance of State (all counties besides Clark and Washoe Counties).¹ The ratio in Clark County is 5,495 persons living in poverty per legal aid attorney (5,495:1). In Washoe County, the ratio is 2,645:1. The ratio for the Balance of State is 5,256:1. The ratio for Nevada as a whole is 4,706:1.²

The next component of this project is to engage in strategic planning to address the needs detailed in this assessment. Any strategy selected must be realistic, actionable and measurable. Given the current economic climate this will surely be a challenge requiring creativity and collaboration on the part of all stakeholders seeking to improve the system.

System improvement opportunities that are most actionable and realistic should be identified by the stakeholders most directly responsible for implementing the strategies suggested. Thus, providers are encouraged to continue their efforts to improve the service delivery system while the judiciary endeavors to implement solutions in the courts or by statute.

It is no surprise the overarching need clearly identified by the needs assessment is to secure adequate resources to ensure access to civil justice in Nevada. On the path to achieving that goal, priority needs evidenced by the assessment are outlined below, along with recommended Commission goals to begin addressing those needs:

- Insufficient resources to meet the civil legal needs of Nevadans.

Goal: Increase funding to ensure a continuum of care for civil justice in Nevada.

- Increase revenue through higher IOLTA yields.
- Explore and evaluate fund development options and select strategies to increase resources to meet civil legal needs in Nevada.
- Develop a statewide fundraising plan including a catalogue of planned events

- Insufficient components of the continuum of care of civil legal aid services in Nevada.

Goal: Develop components of the continuum of care by geographic area.

- Utilize a mix of legal support strategies to include self-help, brief service, counsel and advice, and representation to maximize reach with the resources available
- Secure and designate resources to address unmet needs related to immigration
- Establish more specialty clinics/classes

¹ For this calculation, Carson is included with the Balance of State. Legal aid providers known to provide services to rural areas have offices in Washoe County, Clark County, and Carson City.

² This calculation excludes child advocacy attorneys. When child advocacy attorneys are included, the highest ratio of persons in poverty to legal resources is the Balance of State. There are four child advocacy attorneys in Washoe County and eight in Clark County. There are no legal aid attorneys that provide services specifically for children in Carson and the Balance of State.

- Secure additional funding for more staff for current legal service providers and to support additional services such as classes and clinics statewide
- Increase the number of lawyers working for legal aid providers
- Establish more and increase the capacity of existing self-help centers
- Continue efforts to add and expand a law lecture series, consider new audiences and resources. Define goals and objectives of the series
- Expand State Bar of Nevada website devoted to Access to Justice to function as resource center for both the Commission and the public

- Insufficient pro bono resources including those with expertise in specific areas of civil legal need.

Goal: Increase the pro-bono options and number of attorneys providing pro-bono services throughout the state.

- Increase the options and manner in which attorneys provide services to low-income persons living in Nevada, including pro bono services, matching their interest and ability with unmet need, including areas of specialty
- Increase number of pro bono attorneys
- Concentrate on increasing pro bono lawyers in specific specialty areas of unmet need as articulated in the needs assessment
- Increase law school clinics/pro bono service programs
- Develop a comprehensive plan to solicit participation in the emeritus attorney program established by new Nevada Supreme Court Rule 49.2

- Insufficient education and awareness about civil legal needs.

Goal: Increase awareness and support for more legal aid attorneys, the need for additional resources and information on the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance
- Increase outreach and education to private attorneys to raise awareness of civil legal needs, the lack of access to justice in Nevada and ways they can contribute to improving access to justice
- Establish a public education program targeting the public to create support for and understanding of the importance of access to civil justice

Goal: Increase awareness of what constitutes a legal need, what resources are available and how to navigate the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance
- Provide training and information on advocacy skills, the legal process and law-related issues the public may encounter
- Establish a public education program targeting the general public to help them understand the legal process, identify resources including legal service providers, and help them navigate those resources

Organization of the Report

The *Introduction* section of this report provides background on the Access to Justice Commission in Nevada.

The *Methodology* section describes the research conducted and the questions asked of focus group and key informant participants.

The *Assessment of Needs* section provides a demographic profile of Nevadans, highlighting the issues addressed through the telephone survey with data from Nevada to explain the current circumstances in the state.

The *Assessment of Available Services* section describes the legal aid resource available in Nevada; persons served and a comparison of the services to the persons living in poverty in the state.

The *Analysis of Gaps and Priorities* outlines findings from the research, telephone survey, key informant interviews and focus groups conducted during the project.

The *Recommendations* provides a starting point with potential strategies to evaluate during strategic planning.

A *Glossary* of terms and *References* conclude the report.

Introduction

The Supreme Court of Nevada created a permanent Access to Justice Commission (Commission) in August 2006. The Commission’s members include judges, attorneys and corporate partners. The Commission is supported by a Director who is employed by the State Bar of Nevada. In accordance with Rule 15 of the Supreme Court of Nevada, the commission is responsible for assessing the needs of Nevadans with limited means for legal services and developing statewide policies to further access to justice. In 2007, Nevada became one of many states to endeavor to assess the needs of residents related to access to justice. Many efforts across the country have documented the lack of access to justice and can be used to compare the results of this report.

In 1994 the American Bar Association published a “Comprehensive Legal Needs Study” that was the first to document scientifically the unmet legal needs of low-income people. This study showed that on the average, low-income households experienced approximately one civil legal need per year and that only a small portion of these legal needs resulted in legal help of any type. Help was received from a legal aid provider or the private bar for roughly one in five of all problems identified. In September 2006, the Legal Services Corporation (LSC) released “Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans,” which concluded that at least 80% of the civil legal needs of low-income Americans are not being met.

A review of the ABA initial report and the LSC 2006 report indicate some general assumptions that can be drawn regarding the justice gap in states across America. As noted in the LSC report, they confirm:

- For every client served by an LSC-funded program, at least one person who sought help was turned down because of insufficient resources.
- Only a very small percentage of the legal problems experienced by low-income people (one in five or less) are addressed with the assistance of either a private attorney (pro bono or paid) or a legal aid lawyer.
- People who need legal help frequently do not know about the availability of civil legal assistance or their potential eligibility for legal services.
- People suffer from issues that they may not identify as having a legal solution. Such do not get reported as legal problems.
- People who need legal help and know that they meet the eligibility requirements for legal services may not seek help from the program because they believe (often correctly) that the program will not be able to assist them, and

“If the other party has legal assistance, they get better service and treatment.”

Focus Group Participant

- Other barriers, such as geographical distance and isolation, low literacy, physical or mental disability, limited English proficiency, culture and ethnic background, and apprehension about the courts and the legal system, also pose impediments [1].

In each instance, these findings correspond with the results from the telephone survey conducted by Gene Kroupa and Associates, published in March 2008. For example, the survey indicated that most households surveyed that experienced a legal problem or issue did not receive help from a lawyer for the problem they identified. As the report noted, “9% received help from a lawyer for all the problems they identified, and 20% of those with one or more legal problems received help from a lawyer for at least one but not all of the legal problems they identified. Many of those who asked for help did not receive help from a lawyer. For example, while 28% of those with employment-related legal problems asked for help, only 16% received help from a lawyer [2].” People suffer from issues that they may not identify as having a legal solution but the telephone survey indicated that those problems do not get reported as legal problems which means that the results are likely to underreport the number of persons with a legal issue in Nevada.

The ability for low-income individuals to access legal assistance when needed has an effect on a number of issues that impact communities financially and socially: family stability and safety, private housing, income support, health care, public housing, homelessness, consumer and bankruptcy issues, employment, and immigration. In addition, issues of discrimination cut across many general categories of legal need, including housing, employment, health care, and disability. Within the area of disability, issues related to mental health, chemical dependency, and the elderly are also evidenced and may compound the legal needs of Nevadans.

These issues are discussed in the next section of the report, with data that describes each issue in Nevada. Focus group and key informant interviews provide context for how Nevadans are experiencing one or more of the issues.

Methodology

In 2007, the Supreme Court of Nevada Access to Justice Commission (Commission) contracted for three projects, including a telephone survey, needs assessment, and strategic planning as part of a statewide assessment of the civil legal needs of low and moderate income residents. In March 2008, “Nevada Civil Legal Needs Survey” was published by Gene Kroupa & Associates, LLC (GKA), a research firm retained by the ATJC to survey 1,000 statewide residents from targeted geographic regions and analyze the results. The survey was conducted in November 2007 and covers solely the civil legal needs of Nevadans.

Social Entrepreneurs, Inc. a management consulting firm was retained for the second and third project. The second project was to use the survey results to further delve into the civil legal needs of Nevadans through research, interviews and analysis. The survey results were the starting point for discussion and guided the development of key informant interview and focus group questions. In addition, the survey results were utilized to select the focus groups to conduct and the content experts to interview to better understand the story behind the telephone survey; namely, to ask Nevadans in their own words to corroborate or expand upon the survey’s findings.

Following receipt of the telephone survey results from the State Bar of Nevada, SEI conducted targeted research to complete the needs assessment. Research included identifying the demographic and situational characteristics of low-income residents in Nevada. This was accomplished by accessing data from Clark and Washoe Counties, Carson City, the State demographer, the US Census and existing reports. Data collected included race, age, ethnicity, employment status, and population projections for the next five years.

Data was also provided by the State Bar of Nevada, Legal Service Corporation (LSC) providers and non LSC providers. Providers were issued a questionnaire that asked for information including services provided and eligibility requirements. Websites and program publications were also used to better understand the service delivery system. Finally, data was collected from a variety of reports and statistical summaries to identify characteristics and trends specific to Nevada on a wide range of civil legal needs issues. Results were analyzed and documented into this report and used as context for conducting focus groups.

SEI met with a representative from the State Bar of Nevada as well as legal service providers across the state to review and revise proposed focus groups and key informant interviews based on the research conducted as well as the telephone survey results. A total of 12 focus groups were conducted with over 80 total participants in Clark County, Washoe County, Carson City and the Balance of State.

Legal service providers helped to conduct outreach to clients and hosted a number of focus groups. Focus groups consisted of 6 to 13 individuals that were representative of the stakeholders with civil legal needs. Scripted questions were developed and used for all focus groups. Questions included:

- Have you or someone in your family experienced a legal problem or issue in the past 12 months? Can you describe the problem or issue?

- How did you try to address the issue? Why did you take that approach?
- How did you find legal services?
- Were you satisfied with how it was resolved? If not, why not?
- How would you describe your legal needs?
- What services are needed to best meet those needs?
- What recommendations or suggestions do you have for the Commission?

The focus groups included residents in Clark and Washoe Counties, Carson City and the Balance of State with members representing those earning 150% or less of the Federal Poverty Guidelines (FPG), 151 to 300% of FPG, seniors, foster care youth, clients of LSC providers and non-LSC providers, social service clients, victims of domestic violence, and immigrants. Participants included youth, adults and seniors and represented a diverse mix of ethnicities.

Concurrently, key informant interviews were conducted with persons identified to have expertise related to civil justice issues in Nevada or in a geographic area of Nevada. Twenty participants from across the state representing service providers, judges, advocates, educators and policy makers took part in interviews. Questions were related to understanding the existing system addressing civil legal needs. Providers were asked questions which included:

- Can you estimate the percentage of your clients experience significant civil legal problems concerning (list civil legal needs)
- What are the top three reasons that someone is likely to seek help from your office?
- How do clients typically report that they found out about your services?
- Are most of your clients in a dispute where the other side is represented by a lawyer?
- What are the top three needs clients come to you for that you are not able to meet?
- Why are you unable to meet them?
- What systems changes would you recommend to increase residents' access to civil justice?
- Are there particular problems that someone is more likely to seek help from someone other than a lawyer? If so, what are they?
- What are the top three reasons that someone is likely to seek help from your office?
- How do clients typically report that they found out about your services?
- Are most of your clients in a dispute where the other side is represented by a lawyer?
- What are the top three needs clients come to you for that you are not able to meet?
- Why are you unable to meet them?
- What systems changes would you recommend to increase residents' access to civil justice?

- Are there particular problems that someone is more likely to seek help from someone other than a lawyer? If so, what are they?
- Are there differences by ethnicity for the type of presenting problems you see?
- Are there differences by age for the type of presenting problems you see?
- Are there emerging issues that you did not see three years ago or that have increased recently? If so, please describe
- What in your estimation is the greatest unmet need in Nevada?

Additional analysis was then conducted on the raw data from the telephone survey to compare it with focus group findings related to the type and number of legal issues experienced. Finally, all data was documented in narrative, chart, table or GIS map format and summarized in the assessment that follows.

Assessment of Needs

“An attorney is there to speak for you when you are too afraid to speak.” Focus Group Participant

Demographic Profile of Nevada

Nevada’s population has exploded in the past 20 years and will continue to change in the near future. Growth of the state as a whole, coupled with changes to the demographic make-up, present unique issues for serving the state’s needs for civil legal services. This section describes current population levels and demographic trends for total population and sub-groups by age, gender, ethnicity and income, emphasizing issues and attributes that are important for assessing legal service needs.

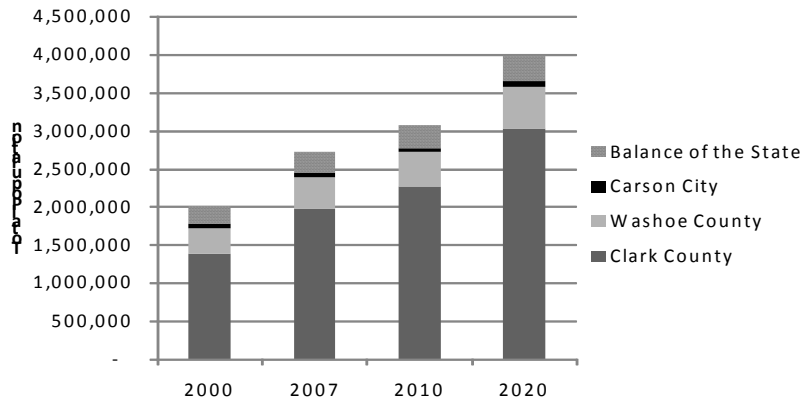
Total Population

The State of Nevada’s population has grown dramatically in recent years. Between 1990 and 2000, Nevada was ranked the fastest growing state in the nation with total population jumping 66% during that decade [3]. In 2000, the US Census Bureau estimated the state’s population just below 2 million; by 2007, the state’s population was estimated to be over 2.7 million [4].

Among Nevada's counties, total population and growth rate vary greatly. Nevada's most populous county, Clark County, ranked 5th among all counties nationwide in numerical population growth between 2000 and 2006 [5]. In 2007, according to the state demographer, Clark County had nearly 2 million people [6]. The Las Vegas Review-Journal noted in December 2007 that Clark County’s population now exceeds 2 million people [7]. Washoe County, the state's second most populous county, is projected at 415,775. Carson City has an estimated 56,655 people, with the population of the remaining counties combined totaling 275,319.³ Lyon County was among the fastest growing counties in the nation between 2000 and 2006, while other rural counties (Esmeralda, Elko, Lander, Mineral, and White Pine Counties) had declines to total population.

³ The incarcerated population is included in the 2000 Census decennial population estimates, but is not included in US Census Bureau American Community Survey data, nor in the State Demographer’s projections of Carson City, Lincoln, Pershing, or White Pine Counties, as this component of the population has different demographic characteristics and significantly changes county profiles.

Figure 1. Total Population by Region, 2000 to 2020



Source: Age Sex Race and Hispanic Origin Estimates from 2000 to 2005 and Projections from 2006 to 2026 for Nevada and Its Counties, The Nevada State Demographer's Office.

The Nevada State Demographer projects continued growth over the next two decades, with an average growth rate over 4% each year between 2007 and 2010 followed by slower, but continued growth through 2026. By 2026, Nevada's population is expected to reach 4.3 million people [5].

Profile by Age and Gender

Nevada's overall population growth has been accompanied with shifts to the demographic make-up of the state. One such shift is a significant jump in the number of older adults and seniors as a percentage of the total population. The aging of the population is a trend seen nationally, with the aging of the 'baby boomers' generation. Circumstances specific to Nevada include a recent influx of persons of retirement age that have migrated to Nevada, especially to Clark and Washoe Counties. Table 1 shows the total population by age group and region in 2007.

Table 1. Age Distribution of Total Population, 2007

Age Group	Clark County	Washoe County	Carson City	Rest of State	Nevada Total
0 to 5 years	175,184	35,250	4,343	18,585	233,362
6 to 18 years	357,128	75,357	10,008	46,598	489,091
19 to 64 years	1,233,634	261,789	33,788	169,570	1,698,781
65 years and over	215,853	43,379	8,516	40,564	308,312
Total	1,981,799	415,775	56,655	275,317	2,729,546

Source: Age Sex Race and Hispanic Origin Estimates from 2000 to 2005 and Projections from 2006 to 2026 for Nevada and Its Counties, The Nevada State Demographer's Office.

In counties where population has declined, the proportion of older adults has increased, as younger adults and families leave in search of jobs and housing, while less mobile older adults remain in the county. Table 2 shows the effects of this situation; the percentage of the population ages 65 and over is much higher in Carson City and the rural regions of the state (15.0% and 14.7% respectively) than in the urban regions of Clark and Washoe Counties.

Table 2. Age Distribution as Percentage of Population, 2007

Age Group	Clark County	Washoe County	Carson City	Rest of State	Nevada Total
0 to 5 years	8.8%	8.5%	7.7%	6.8%	8.5%
6 to 18 years	18.0%	18.1%	17.7%	16.9%	17.9%
19 to 64 years	62.2%	63.0%	59.6%	61.6%	62.2%
65 years and over	11.0%	10.4%	15.0%	14.7%	11.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Age Sex Race and Hispanic Origin Estimates from 2000 to 2005 and Projections from 2006 to 2026 for Nevada and Its Counties, The Nevada State Demographer's Office.

Profile by Ethnicity

Defining groups in terms of race and ethnicity can be important for understanding some types of legal needs and disparities in access to legal services. In Nevada, the greatest shift has been a recent increase in the number of persons of Hispanic Origin. In 1991, persons of Hispanic Origin constituted 12% of the population. In 2007, persons of Hispanic Origin make up nearly 25% of the population [5]. Growth of the Hispanic population is projected to continue, reaching an estimated 31% of the total population by 2020 [5].

Asians or Pacific Islanders is another group that has increased as a percentage of the total population. In 1991, this group made up just over 3% of the population. Today, persons who are Asian or Pacific Islander make up almost 7% of the total population [5]. This trend, observed nationwide, is attributed to recent immigration [8]. This group is also expected to grow slightly in coming years, reaching 8% by 2020.

Other racial and ethnic groups are either steady or declining. The proportion of Native Americans/American Indians and persons that are Black (not of Hispanic Origin) has stayed, and is projected to remain, relatively constant as a component of total population. The percentage of persons who are White (not of Hispanic Origin) has dropped steadily in recent years. This trend is expected to continue through 2026 [5]. Table 3 shows the 2007 distribution of population by ethnicity.

Table 3. Ethnic Distribution of Total Population, 2007

Ethnicity	Clark County	Washoe County	Carson City	Rest of State	Nevada Total
White *	1,103,208	282,923	43,147	224,588	1,653,866
Black *	176,518	9,129	387	2,531	188,565
American Indian **	16,980	7,987	1,301	9,582	35,850
Asian or Pacific Islander *	150,188	25,399	1,369	4,083	181,039
Hispanic Origin	534,904	90,338	10,450	34,536	670,228
Total	1,981,798	415,776	56,654	275,320	2,729,548

* Not of Hispanic Origin

** Definition includes Aleut and Eskimo

Total population by county/region varies slightly from Table 1 due to differences in sampling methods for determining ethnicity.

Source: Age Sex Race and Hispanic Origin Estimates from 2000 to 2005 and Projections from 2006 to 2026 for Nevada and Its Counties, The Nevada State Demographer's Office.

As Table 4 illustrates, Clark County and Washoe County have a far greater concentration of persons of Hispanic Origin and also Asian or Pacific Islanders than the rest of the state. Clark County also has a much higher percentage of Black individuals than other areas of the state.

Table 4. Ethnic Distribution as Percentage of Population, 2007

Ethnicity	Clark County	Washoe County	Carson City	Rest of State	Nevada Total
White *	55.7%	68.0%	76.2%	81.6%	60.6%
Black *	8.9%	2.2%	0.7%	0.9%	6.9%
American Indian **	0.9%	1.9%	2.3%	3.5%	1.3%
Asian or Pacific Islander *	7.6%	6.1%	2.4%	1.5%	6.6%
Hispanic Origin	27.0%	21.7%	18.4%	12.5%	24.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

* Not of Hispanic Origin
 ** Definition includes Aleut and Eskimo

Source: Age Sex Race and Hispanic Origin Estimates from 2000 to 2005 and Projections from 2006 to 2026 for Nevada and Its Counties, The Nevada State Demographer's Office.

Cultural backgrounds can be a significant factor in inhibiting access to legal services, regardless of language and immigration status. A report by the Asian Pacific American Legal Center noted that different ethnic groups have “distinct cultural patterns and practices, sometimes contrary to mainstream American cultural assumptions and expectations” that impact their views of the legal system [9]. Examples noted in the report include placing greater importance on family and group relationships over individuals, making it culturally difficult to access legal services that may jeopardize relationships with family members (such as in the case of domestic violence), and not being connected to traditional American methods of learning about available services and then accessing those services.

Profile by Income

One measure used to understand financial need is the federal poverty level as defined by the U.S. Census Bureau. In 2005, updated estimates developed by the Census Bureau indicated that 11.1% of Nevadans were below the poverty level during the past 12 months. An additional 3.9% of the population was between 100% and 125% of the federal poverty level [10]. Table 5 provides a breakdown of the estimated number of persons below the poverty level by county and age group.

Table 5. Persons Living in Poverty by County and Age Group, 2005

County	Total		Breakdown by Age Group	
	Number in Poverty	% of Total Population	Under Age 18	Age 18 and Over
Churchill County	2,947	12.3%	1,236	1,711
Clark County	192,317	11.5%	68,721	123,596
Douglas County	3,085	6.6%	925	2,160
Elko County	4,435	10.0%	1,601	2,834
Esmeralda County	119	15.5%	18	101
Eureka County	159	11.2%	47	15
Humboldt County	1,818	10.8%	712	1,106

County	Total		Breakdown by Age Group	
	Number in Poverty	% of Total Population	Under Age 18	Age 18 and Over
Lander County	545	10.9%	181	364
Lincoln County	649	16.2%	228	421
Lyon County	3,969	8.5%	1,467	2,502
Mineral County	746	15.7%	273	473
Nye County	5,389	13.5%	1,902	3,487
Pershing County	769	15.7%	245	524
Storey County	224	5.5%	53	171
Washoe County	39,674	10.4%	12,864	26,810
White Pine County	1,046	13.6%	300	746
Carson City	5,634	10.7%	1,875	3,759
Total	263,525	11.1%	92,648	170,877

*Source: Estimates for Nevada Counties (2005).
U.S. Census Bureau, Small Area Income and Poverty Estimates.*

Poverty status is also related to household composition. In 2006, over one-fifth (21.5%) of families maintained by women with no spouse present had incomes below the poverty level, compared to 3.9% of families in married couple households. Children in female headed households with no husband present are also far more likely to experience poverty. In 2006, 28.2% of households with a single female and children under age 18 were in poverty, compared to 4.9% of married families with children under age 18 [11].

Significant disparities in poverty are associated with race and ethnicity [3, 5, 9]. In 2006, 17.4% of Native Americans in Nevada lived below the poverty level during the past 12 months, more than any other racial or ethnic group. Persons identified as “other” races were second among racial groups with the highest percentage of persons in poverty (15.4%), followed by Black/African American persons (15.0%). Finally, persons of any race, but identified as Hispanic or Latino in origin, were twice as likely as persons who were White alone, and not Hispanic, to have experienced poverty in the past 12 months (15.4% and 7.7%, respectively).

Total income is also an important factor in understanding need. While poverty status provides some measure of extreme financial need, families earning incomes far above the poverty income level can also experience hardships in keeping up with the cost of living and accessing legal services.

The income distribution of Nevada’s households, based on total household income in 2006, is shown in Table 6. The table shows that almost one-third of all households have a total household income (combining the incomes of all members of the household) under \$35,000 per year [12]. As discussed further in the Personal Finances and Consumer Issues section of the report, households with total incomes below \$35,000 per year – especially those with children – can be experiencing substantial financial duress just to cover necessary living expenses despite being well above the poverty line according to federal standards.

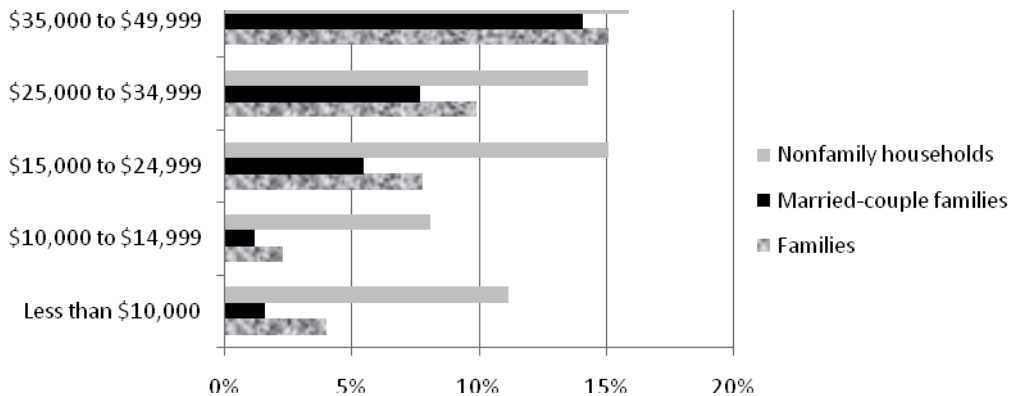
Table 6. Distributions of Households by Annual Income, 2006

2006 Household Income	Number	Percent
Less than \$10,000	56,210	6.0%
\$10,000 to \$14,999	39,347	4.2%
\$15,000 to \$24,999	94,620	10.1%
\$25,000 to \$34,999	103,051	11.0%
\$35,000 to \$49,999	143,335	15.3%
\$50,000 to \$74,999	202,355	21.7%
\$75,000 to \$99,999	129,282	13.9%
\$100,000 to \$149,999	104,925	11.3%
\$150,000 to \$199,999	35,599	3.8%
\$200,000 or more	28,104	3.0%
Total	936,828	100.0%⁴

Source: *Income in the Past 12 Months. (2006). U.S. Census Bureau, American Community Survey.*

Figure 2 shows the percentage of households in income brackets under \$50,000 a year, by household type.

Figure 2. Distributions of Households by Annual Income, 2006



Source: *Income in the Past 12 Months. (2006). U.S. Census Bureau, American Community Survey.*

Relationship of More than One Legal Problem

The results of the telephone survey showed that many people experienced more than one legal problem within the past 12 months. In order to better understand the legal needs of telephone survey participants, additional analysis was performed to determine whether varying legal needs were related. Survey responses were filtered for each problem to determine the total number counted (n) for that problem, and the top additional issues counted. This is shown by percentage of the total for each group. The top three associated problems are shown for each category. For example, of 207 persons that identified a housing problem, 74%

⁴ Detail percentages in the table add up to slightly over 100% due to rounding.

of this group also reported financial problems, 50% reported a domestic problem, and 46% reported a benefit problem. The table below shows all categories of problems with the top three other problems associated with each category.

Table 7. Issues Identified by Survey Participants and Associated Issues Identified

Need (n)	Top Three Problems (shown by percentage of total (n) in first column)
Housing (207)	Finance (74%), Domestic (50%), Benefits (46%)
Domestic (299)	Finance (74%), Housing (47%), Benefits (46%)
Employment (188)	Finance (77%), Domestic (55%), Benefits (47%)
Disability (116)	Finance (83%), Benefits (65%), Domestic (60%)
Benefits (255)	Finance (71%), Domestic (45%), Housing (37%)
Finance(470)	Domestic (40%), Benefits (39%), Housing (33%)
Immigration(29)	Finance (66%), Housing (55%), Domestic (45%), Employment (45%)
Native American (9)	Finance (67%), Benefits (56%), Housing, (44%), Domestic (44%), Employment (44%)
Civil (118)	Finance (69%), Domestic (44%), Benefits (43%)

Source: Analysis of Survey Data Used in Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa and Associates, LLC.

An additional correlation analysis was performed to better understand how needs were related. This measure determines whether two measurement variables tend to move together — that is, whether large values of one variable tend to be associated with large values of the other (positive covariance), whether small values of one variable tend to be associated with large values of the other (negative covariance), or whether values of both variables tend to be unrelated (covariance near zero). The table shows:

- Strongest positive correlation between disability and employment, disability and benefits, domestic and employment.
- Negative correlations between civil and both immigration problems and Native American problems.
- Strong positive correlation among many of the categories, including housing, domestic, employment, disability, and finances and civil (with employment only).

Not all correlations were statistically significant as seen in the table below.

Table 8. Correlation between Issues Identified by Survey Participants

	Housing	Domestic	Employment	Disability	Benefits	Finances	Immigration	Native American	Civil
Housing	1								
Domestic	0.2693	1							
Employment	0.2659	0.3142	1						
Disability	0.2157	0.2778	0.3292	1					
Benefits	0.2391	0.2465	0.2411	0.3254	1				
Finances	0.2755	0.2971	0.2905	0.2595	0.2811	1			
Immigration	0.1470	0.0718	0.1151	0.0677	0.0219	0.0641	1		
Native American	0.0559	0.0387	0.0625	0.0647	0.0657	0.0376	0.1097	1	
Civil	0.1498	0.1456	0.2207	0.1869	0.1487	0.1586	-0.0078	-0.0349	1

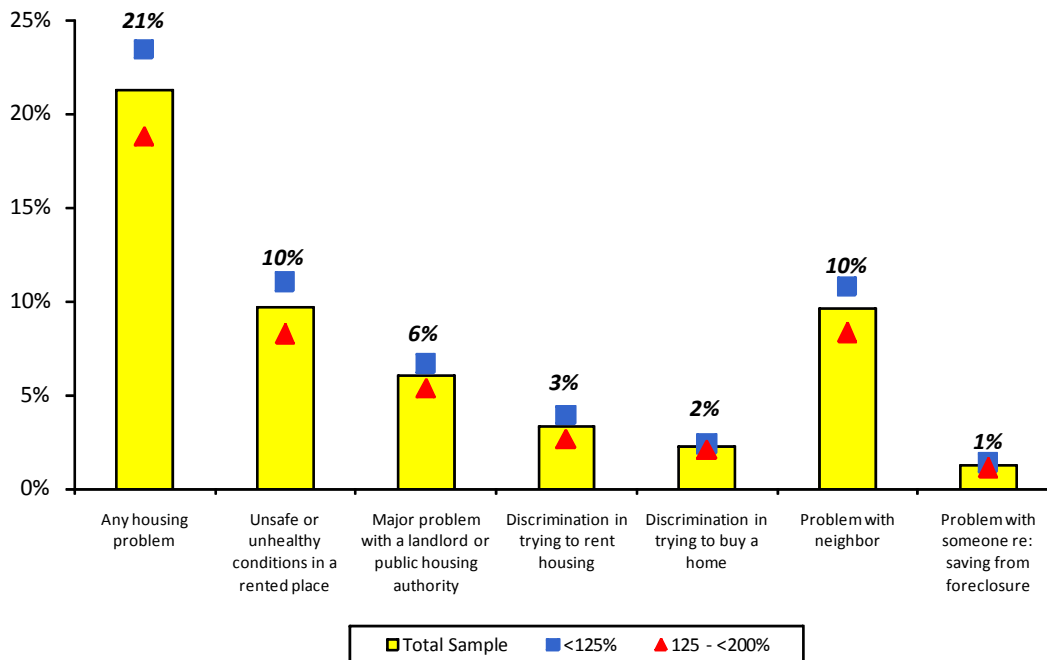
Source: Analysis of Survey Data Used in Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa and Associates, LLC.

Housing

Legal needs can often arise from housing-related issues such as experiencing unsafe or unhealthy conditions, a major problem with a landlord or public housing authority, discrimination in trying to rent housing or in buying a home, a problem with a neighbor that threatened the ability to live at the residence, and a problem with someone who promised to save the home from foreclosure.

Figure 3 shows the results of the Nevada Civil Legal Needs Survey regarding the extent to which households are experiencing housing-related legal issues and the specific nature of those issues.

Figure 3. Percentage of Households That Experienced a Housing-Related Legal Problem



Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

The survey results identified several statistically significant differences in the proportion of households that experienced a housing-related problem [13]:

- Las Vegas Metropolitan Statistical Area (MSA) (23%) residents were more likely than Other MSAs/Rural (11%) residents to have experienced a housing-related problem in the last 12 months. About 20% of Reno-Sparks/Carson City MSAs residents experienced a housing problem.
- Households with children under age 18 were more likely than those without children to have had a housing-related legal issue (24% vs. 19%).
- Those ages 18 to 34 (24%), 35 to 54 (25%), or 55 to 59 (26%) were more likely than those ages 60+ (8%) to report a housing-related legal problem.
- Homeowners (13%) were less likely than home renters (31%) or apartment renters (28%) to have experienced a housing problem.

Analysis of data from other sources can help identify the broader scope of potential needs for legal services related to housing matters. The remainder of this section presents supplemental data that was obtained on housing ownership and rentals, discrimination in accessing housing, housing loans and foreclosures, and court caseloads related to real property and landlord/tenant issues.

Housing Ownership and Rentals

In 2006, there were a total of 936,828 occupied housing units in Nevada. Of these, 580,705 (62%) were owner-occupied and the remaining 356,123 (38%) were renter-occupied [14]. Table 9 provides a breakdown by geographic area.

Table 9. Occupied Housing Units, 2006

Geographic Area	Owner-Occupied	Renter-Occupied	Total
Clark County	402,947	262,562	665,509
Washoe County	95,566	60,468	156,034
Rest of the State	82,192	33,093	115,285
Total	580,705	356,123	936,828

Source: Demographic Characteristics for Occupied Housing Units. (2006). U.S. Census Bureau, American Community Survey.

As the table shows, a high percentage of rentals are located in Clark and Washoe Counties. These counties combined account for 91% of all renter-occupied housing units but under 88% of the state's total population. This can be an indicator of persons more likely to experience housing related legal needs. Legal needs identified in the survey that are related specifically to rental housing, such as unsafe/unhealthy conditions in a rented place and discrimination trying to rent housing, should be expected to be concentrated in these urban areas. On the other hand, legal needs related to home ownership such as dealing with mortgage issues are likely to be distributed throughout the state.

Discrimination in Accessing Housing

A national study of discrimination in metropolitan housing markets was completed for the federal Department of Housing and Urban Development (HUD) in 2002 [15]. In this study, 4,600 paired tests were conducted in 23 metropolitan areas; in each test, two individuals – one minority and the other white – posed as otherwise identical home seekers and visited real estate or rental agents to inquire about the availability of advertised housing units. The methodology provides direct evidence of differences in the treatment minorities and whites experience when they search for housing. Among the study's findings were:

- Persons that are Black face significant discrimination when they search for rental housing in metropolitan markets nationwide. Whites were consistently favored over Blacks in 21.6% of tests. In particular, Whites were more likely to receive information about available housing units, and had more opportunities to inspect available units. The rate of discriminatory practices faced by Black/African Americans was lower for sales of real estate (as opposed to rental housing) but was still noted in 17% of tests.

- Hispanic renters nationwide face even higher levels of discrimination. Non-Hispanic Whites were consistently favored over Hispanics in 25.7% of tests involving rental housing. Further, non-Hispanic Whites were favored over Hispanics in 19.7% of tests involving housing sales.
- Asian and Pacific Islander prospective renters experienced adverse treatment relative to comparable Whites in 21.5% of tests. Asian and Pacific Islander prospective homebuyers experienced adverse treatment relative to comparable Whites 20.4% of the time, with systematic discrimination occurring in housing availability, inspections, financing assistance, and agent encouragement.

“I contacted the project because my landlord received an eviction notice. I needed to break my rental contract and was afraid I would end up on the street when the landlord’s property was foreclosed on. They helped me break the contract and now I am in another apartment.” Focus Group Participant

Consistently high rates of discrimination were found across all 23 metropolitan areas included in the study and across all three minority groups. Although data for Nevada was not provided by this study, it is reasonable to believe that the high rates in discrimination found across all regions of the country are also experienced in Nevada. To assess the number of people potentially affected, Table 10 shows the percentage of housing units owned and rented by selected ethnic groups and geographic areas.

Table 10. Ethnicity of Householders for Occupied Housing Units, 2006

Ethnicity	Owner-Occupied	Renter-Occupied	All Units
CLARK COUNTY			
Hispanic or Latino Origin	16.9%	25.3%	20.2%
Black or African American	6.5%	14.2%	9.5%
Asian or Pacific Islander	7.8%	5.5%	6.9%
Native American	0.6%	0.8%	0.7%
WASHOE COUNTY			
Hispanic or Latino Origin	10.4%	20.7%	14.4%
Black or African American	1.3%	3.5%	2.2%
Asian or Pacific Islander	4.4%	2.9%	3.8%
Native American	1.3%	3.5%	2.2%
NEVADA - TOTAL			
Hispanic or Latino Origin	14.6%	23.4%	17.9%
Black or African American	4.9%	11.1%	7.2%
Asian or Pacific Islander	6.3%	4.7%	5.6%
Native American	1.1%	1.6%	1.3%

Source: Demographic Characteristics for Occupied Housing Units. (2006). U.S. Census Bureau, American Community Survey.

Only a percentage of these households seek new housing in a given year and thus are faced with the potential for discrimination during that search for housing. However, Nevada experiences a high level of mobility between the influx of new residents and established residents moving to new housing, creating

greater potential for discrimination. A benchmark to consider is that of the 936,828 total occupied housing units in Nevada in 2006, 32% of the householders (299,006 households in total) moved into the unit in 2005 or later [16].

There are two main nonprofit agencies in Nevada working to combat housing discrimination, the Nevada Fair Housing Center in Las Vegas and the Silver State Fair Housing Council in Reno.

Housing Loans and Foreclosures

There were 252,989 mortgage loans originated in 2005; the number of mortgage loans dropped 20% down to 201,483 in 2006. According to the provisions of the federal Home Mortgage Disclosure Act (HMDA), most for-profit financial institutions must report detailed information about home loans. A breakdown by type of loan for selected geographic areas is contained in Table 11. Home loan data was not available specifically for rural areas of Nevada. Clark County, Washoe County and Carson City combined for 239,762 home loans that were reportable under the HMDA in 2005 [17]; this means approximately 13,000 additional loans were made throughout the rest of the state or were made by institutions not required to report to the federal government under the HMDA.

Table 11. Housing Loan Applications, 2005

Geographic Area	Home Purchase Loans	Refinancings	Home Improvement
Clark County	115,428	79,050	8,712
Washoe County	15,002	16,445	1,919
Carson City	1,181	1,794	231

Source: Home Mortgage Disclosure Act Reports for Nevada, Federal Financial Institutions Examination Council.

According to RealtyTrac, an online marketplace for foreclosure properties, Nevada posted the nation's highest foreclosure rate in 2007 with 3.4% of its households entering some stage of foreclosure during the year [18]. A total of 66,316 foreclosure filings on 34,417 properties were reported in Nevada in 2007, an increase of more than 200% in total filings from 2006.

The Nevada Civil Legal Needs Survey report noted that, while 3% of survey respondents faced foreclosure on a mortgage loan in the last 12 months (consistent with statewide rates), only 1% had a problem with someone who had promised to save the home from foreclosure [12].

Court Caseloads Related to Real Property and Landlord/Tenant Issues

Certainly, one measure of legal support need is the number of actual court cases related to housing matters. From July 1, 2005 to June 30, 2006, there were a total of 39,443 cases opened in Nevada's District and Justice Courts related to housing and real property issues [19]. Cases handled at the Justice Court level – the vast majority of such cases – involve landlord and tenant disputes, primarily efforts by landlords to evict tenants for non-payment or other alleged violations of rent or lease agreements. Cases heard at the District Court level deal with ownership or rights in real property and can include landlord-tenant disputes, title to property, condemnation, eminent domain and other matters involving real property. Table 12 gives a breakdown of these cases by geographic area and type of court.

Table 12. Court Caseloads for Landlord/Tenant and Real Property Issues, 7/1/05 – 6/30/06

Geographic Area (Judicial District)	District Court Cases	Justice Court Cases	Total
First District: Carson City and Storey County	35	1,256	1,291
Second District: Washoe County	144	5,123	5,267
Third District: Churchill and Lyon Counties	38	1,036	1,074
Fourth District: Elko County	20	170	190
Fifth District: Esmeralda, Mineral and Nye Counties	72	341	413
Sixth District: Humboldt, Lander and Pershing Counties	19	49	68
Seventh District: Eureka, Lincoln and White Pine Counties	16	32	48
Eighth District: Clark County	997	29,904	30,901
Ninth District: Douglas County	30	161	191
Total	1,371	38,072	39,443

Source: Annual Report of the Nevada Judiciary: The Work of Nevada's Courts, July 1, 2005 to June 30, 2006.

Family Issues

Numerous legal needs may arise from family matters, ranging from dealing with family assets (such as preparing a will or resolving an inheritance) to legal issues emerging from the breakup of a marriage or relationship to protecting family members from abuse or exploitation.

The Nevada Civil Legal Needs Survey found that one-fourth (26%) of respondents experienced a family- or domestic-related legal problem [20]. Table 13 shows the prevalence of key family-related legal issues among survey participants.

Table 13. Prevalence of Family-Related Legal Problems among Survey Respondents

Legal Issue	Percent of Households
Legal problems related to breakup of marriage or relationship	7%
<i>Child custody dispute</i>	3%
<i>Child support dispute</i>	3%
<i>Separation, divorce, or annulment</i>	5%
Anyone age 60 or older abused, neglected, or taken advantage of financially	4%
Adult in household suffered physical, sexual, or emotional abuse	5%
Child in household suffered physical, sexual, or emotional abuse	3%
Needed help with:	
<i>Making or changing a will</i>	6%
<i>Setting up a special needs trust</i>	2%
<i>Starting or changing guardianship of an adult</i>	2%
<i>Resolving an inheritance problem after someone died</i>	3%
<i>Setting up or enforcing advance directive, power of attorney, or living will</i>	5%
<i>Transferring a property interest to a child, spouse, relative, or other person</i>	3%

Legal Issue	Percent of Households
Problems while residing in a nursing home, group home, assisted living facility, or mental health institution:	
<i>No access to adequate medical or dental treatment</i>	8%
<i>Neglect or abuse</i>	1%
<i>No access to family members and visitors</i>	2%
<i>Gaining admission or getting discharged</i>	1%

Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

The survey results further found that singles were actually somewhat more likely than those who are married or with a domestic partner to have indicated that someone in the household experienced a family-related problem (29% vs. 23%) [19]. In order to understand more about the underlying causes of family-related legal issues and the potential magnitude of legal service needs for these different issues, a demographic profile of Nevada households is presented followed by analysis of the best available information for several specific issues: divorce, domestic violence, child abuse and neglect, child support collections, and elder abuse and neglect. After these specific issues are covered, caseloads of family-related cases in Nevada’s District Courts are analyzed.

It must be noted that the telephone survey only reached adults. The survey did not address any legal issues from the perspective of children and therefore does not provide a basis to understand the extent to which children need legal advocates on family-related civil matters that directly involve the child such as disputes over custody or guardianship of children, advocacy for children removed from their homes due to substantiated abuse or neglect, and efforts to terminate parental rights. Child advocacy issues are addressed further at the end of this section.

Profile of Nevada Households

In 2006, there were 936,828 households in the state, a 3.3% increase from 2005 [21]. They are divided almost equally into three categories: families living with their own children under age 18 (32% of all households), families without children under age 18 (34% of households) and non-family households where the householder was not related to one or more persons in the household by birth, marriage, or adoption (also 34% of households). A large proportion of non-family households are householders living alone.

Among households raising children, 23% were female householders with no husband present and 11% were male householders with no wife present. The remaining 66% of households with children under 18 are married couple families [20].

One focus group participant reported that she was 45 and had been raising her granddaughter since she was four months old. Her daughter abuses substances. The father moved away to Arizona. After a year and a half, he filed for custody. Her daughter still lives with her but struggles so she has raised the granddaughter for the past two and a half years. She never sought custody because she didn’t want to alienate her daughter while she struggled to get well. The Judge just gave temporary, primary custody to the father.

“I contacted an attorney that told me it would cost \$10,000 which I didn’t have. Now my granddaughter is being sent to Arizona. She is terrified. I am the only parent she has ever known. Without an attorney, criminals have more rights than our children or we do.” Focus Group Participant

Table 14. Household Composition Statewide, 2006

	Number	Percent
Households with own children under 18 years		
Married-couple family	195,919	66.3%
Female householder, no husband present	67,025	22.7%
Male householder, no wife present	32,622	11.0%
<i>Subtotal</i>	295,566	100.0%
Households without own children under 18 years		
Married-couple family	247,922	78.3%
Female householder, no husband present	41,657	13.1%
Male householder, no wife present	27,204	8.6%
<i>Subtotal</i>	316,783	100.0%
Non-family households		
Non-family households	324,479	
Total households	936,828	

Source: Selected Social Characteristics, Households by Type. (2006). U.S. Census Bureau, American Community Survey.

Divorce

As reported in the 2004 Nevada Vital Statistics, “Nevada's divorce rates have consistently been the highest in the nation, which may reflect relatively lenient state laws, combined with Nevada's small population base, resulting in disproportionately high rates [22].” The divorce rate per 1,000 people held relatively steady from 1999 through 2004, ranging between 7.0 and 7.3 divorces per 1,000 persons in each of those years.

In 2004, the most recent year for which statistics are available, there were 17,126 divorces in Nevada [21]. The divorce rate per 1,000 people in 2004 was 7.1 in Nevada, compared to 3.7 for the U.S. as a whole.

Table 15 shows a breakdown of divorces by county in 2004. While Clark and Washoe Counties accounted for most of the divorces, Nye, Douglas and Churchill Counties had the highest rate of divorce per 1,000 people.

Table 15. Divorces by County of Residence, 2006

County	Number of Divorces	Rate per 1,000 People
Carson City	306	5.8
Churchill County	250	9.6
Clark County	12,692	7.4
Douglas County	582	12.2
Elko County	223	4.8
Esmeralda County	0	-
Eureka County	0	-
Humboldt County	86	5.2
Lander County	29	5.4
Lincoln County	12	3.4
Lyon County	0	-
Mineral County	0	-
Nye County	593	15.5
Pershing County	17	3.3
Storey County	0	-
Washoe County	2,297	6.0
White Pine County	28	3.6
Unidentified	11	-
Total	17,126	7.1

Source: Nevada Vital Statistics (2004). Center for Health Data and Research, Nevada State Health Division

Domestic Violence

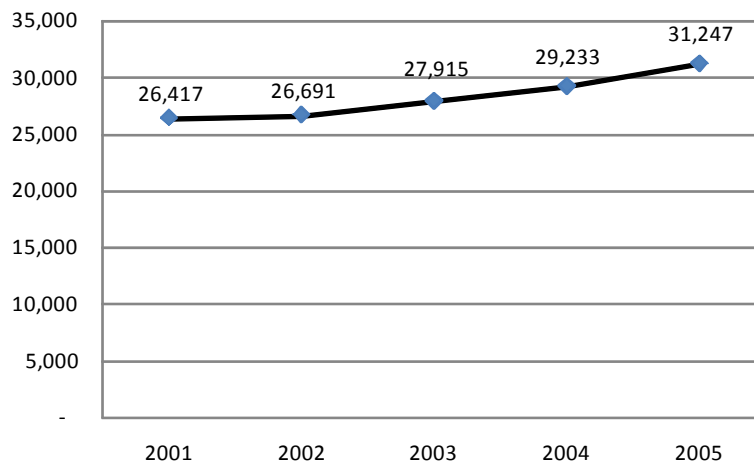
Domestic violence is the use of physical force, or threat of force, against a current or former partner in an intimate relationship, resulting in fear and emotional and/or physical suffering. Reporting domestic violence is a difficult and sometimes dangerous event requiring trust between the domestic violence victim and the agency. For this reason, phone survey data related to domestic violence, such as the data obtained in the Nevada Civil Legal Needs Survey, is likely to only show the tip of the iceberg.

There are many challenges to collecting the total number of domestic violence incidents or rate of domestic violence within a community. First, persons who are victims of domestic violence may not be able to seek help because they do not know where to turn or because of fear for themselves or their families. For this and other reasons, domestic violence is believed to be widely underreported nationwide. Additionally, determining the total number of incidents within a geographic area is difficult because of overlapping and potentially inconsistent data collection methods and differently interpreted definitions of domestic violence. Several systems exist to collect information about domestic violence within the state of Nevada. Data collected by law enforcement and public service agencies can provide an estimate of the number of persons and families needing legal assistance for domestic violence related issues.

Sheriff and police personnel report domestic violence incidents to the state and federal government. While Nevada Revised Statutes (NRS) provide the legal framework statewide, reporting policies can differ between cities and counties within Nevada. Domestic violence incidents reported by sheriff and police and compiled by the Nevada Department of Public Safety are shown in the Figure 4. Carson City data is not included for 2005, so actual incidents are likely to be higher. Figure 5 shows a breakdown of these reports to law enforcement by geographic area for 2003-2005.

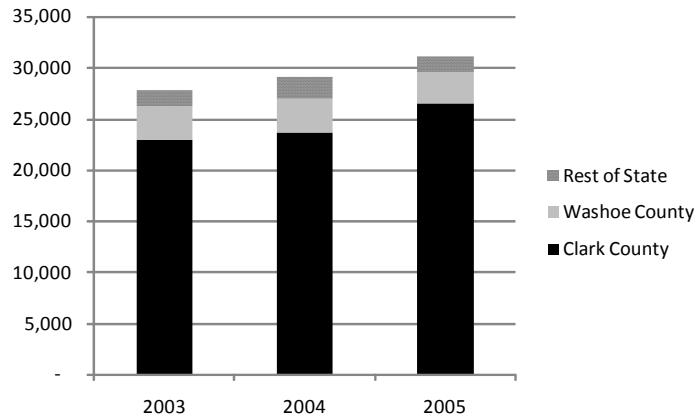
“I was sent by the Family Victim’s Advocate to the Police. I requested and received a TPO. My ex-husband has violated the TPO a number of times. Each time I call the police. Sometimes he gets arrested and bails out within hours. Other women have TPO’s against him. He continues to threaten to kill my children and me. Each time a TPO expires, I have to go back and get another one. The last time he violated the TPO, he was deported. Within 72 hours, he was back, and he showed up at my children’s school. I asked a U.S. Marshall what to do to prevent him from continuing to terrorize my family; he said to buy a gun. I don’t understand how my ex-husband can make bail but doesn’t pay any child support.” Focus Group Participant

Figure 4. Domestic Violence Incidents Reported to Law Enforcement



Source: Domestic Violence Incidents Reported (2006). Nevada Department of Public Safety.

Figure 5. Domestic Violence Reports to Law Enforcement by Region



Source: Domestic Violence Incidents Reported (2006). Nevada Department of Public Safety.

The Nevada Network Against Domestic Violence (NNADV) tracks domestic violence statewide. Shelters and agencies that provide services to domestic violence victims collect and report data, counting persons seen and services provided. These data are then compiled by the Nevada Network Against Domestic Violence. In 2006, a total of 65,085 domestic violence contacts were made. Of this total, 38,297 were recorded as first time contacts, meaning they had not previously contacted the agency regarding an incident of domestic violence [23].

According to NNADV, service providers made 15,108 referrals to legal counsel in 2004, 17,670 referrals in 2005, and 17,649 referrals for legal counsel in 2006 [22].

Child Abuse and Neglect

In order to understand the statistics and trends related to child abuse and neglect in Nevada, it is important to differentiate between total reports of abuse and neglect and final outcomes from investigation. It is also important to remember that not all cases of suspected abuse and neglect are reported to Child Protective Services (CPS). However, when a report of suspected child abuse or neglect is directed to CPS or Child Welfare Services the responsible agency follows up and an investigation is made consistent with statutory requirements. The investigations will result in one of three outcomes:

- Substantiated* The abusive or neglectful situation was confirmed through investigation or court process.
- Unsubstantiated* The abusive or neglectful situation was not confirmed through the investigation.
- Unknown* The alleged perpetrator could not be located, the child could not be interviewed, insufficient evidence existed, or the information was too old to pursue.

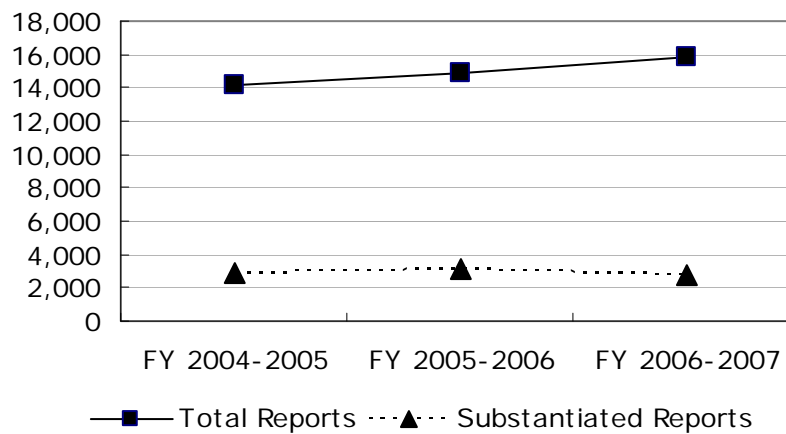
Child abuse and neglect continues to be a critical issue facing Nevada and the rest of the nation, with 15,813 child abuse reports – combining substantiated, unsubstantiated and unknown cases – for state fiscal year (FY) 2006-07 (7/1/2006 - 6/30/2007) documented in the State of Nevada’s UNITY Child Abuse Report System [24].

Although the total number of child abuse and neglect reports statewide increased by 19.8% between FY 2002-03 and FY 2006-07 (from 13,195 in 2002-03 to 15,813 in 2006-07), the rate per 1,000 persons remained nearly the same. In FY 2005-06 the rate of reports was 2.9%, and in FY 2006-07 it rose slightly to 3.0%, approximately 30 per 1,000 persons [23].

Figure 6 shows a three-year trend of the total number of child abuse and neglect reports in Nevada and the number of those reports that were substantiated. The total number of reports and substantiated cases shown in the graph represents an upward trend following a five-year decline between 1997 and 2002.

The relatively steady rate of substantiated cases appears to be good news, particularly since the population and total number of children continues to rise. However, this raises a question over which there is considerable debate – what is the best measure of the true rate of child abuse and neglect? It is generally agreed that the number of substantiated cases represents the minimum level. Some experts suggest that the total number of reports is the best available indicator of the actual rate of abuse and neglect, since not all reports involve actual abuse (and in fact some are intentionally false and malicious) but at the same time not all actual abuse is reported. The Child Welfare League of America notes in its State Child Welfare Survey that physical abuse is estimated to be underreported by as much as 85% [25].

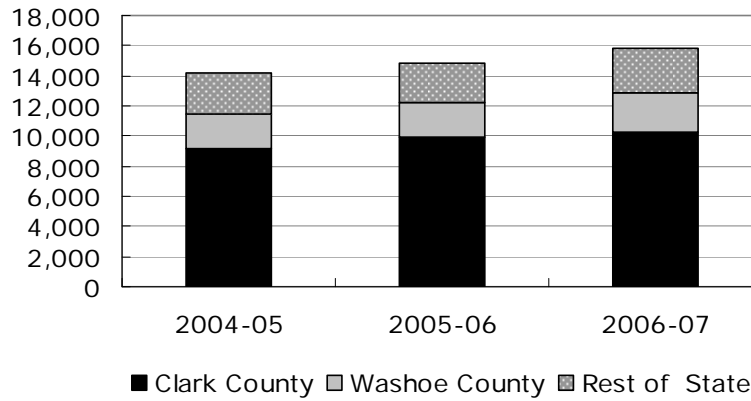
Figure 6. Child Abuse Report Trends, FY 2005 to 2007



Source: State of Nevada UNITY Child Abuse Reports for Fiscal Years 2004 to 2007.

The number of total child abuse reports by region has remained fairly constant since 2004, as shown in Figure 7.

Figure 7. Total Child Abuse Reports for Clark, Washoe, and Rest of State, FY 2004 to 2007



Source: State of Nevada UNITY Child Abuse Reports for Fiscal Years 2004 to 2007.

In FY 2005-06, there were 3,130 substantiated reports of child abuse and neglect received statewide. Table 16 shows a breakdown of substantiated and total reports of child abuse and neglect by county.

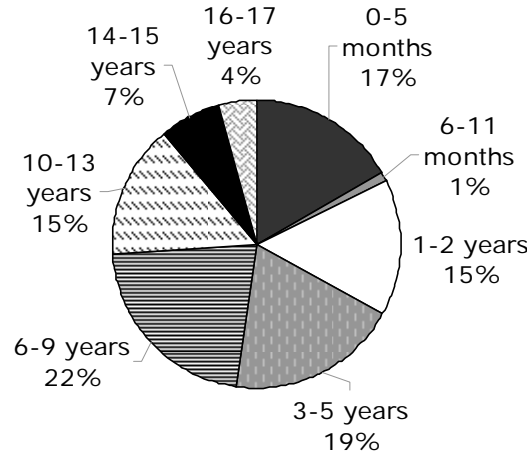
Table 16. Child Abuse Reports by County, FY 2005-06

County	Substantiated	Unsubstantiated	Unknown	Total
Carson City	40	338	0	378
Churchill	61	261	0	322
Clark	2,085	7,876	1	9,962
Douglas	15	147	0	162
Elko	49	377	1	427
Esmeralda	1	11	0	12
Eureka	0	12	0	12
Humboldt	16	146	0	162
Lander	9	62	0	71
Lincoln	5	20	0	25
Lyon	63	366	0	429
Mineral	15	59	0	74
Nye	85	319	0	404
Pershing	26	55	0	81
Storey	2	7	0	9
Washoe	649	1,576	0	2,225
White Pine	9	93	1	103
Total	3,130	11,725	3	14,858

Source: State of Nevada UNITY Child Abuse Reports for Fiscal Years 2004 to 2007.

Over 33% of substantiated abuse cases in FY 2005-06 involved a child ages 0 to 2. More than half (52.2%) of substantiated cases had a victim 5 years of age or younger.

Figure 8. Age of Victim, Substantiated Abuse Reports, FY 2005-06



Source: State of Nevada UNITY Child Abuse Reports for Fiscal Years 2005-06.

Statewide, substantiated cases of physical neglect (79.2%) and physical abuse (11.3%) were the two most common forms of maltreatment in FY 2005-06, collectively accounting for almost 91% of all substantiated incidents statewide [23]. Data from Washoe County Social Services Annual Report for the same time period indicates these two categories account for 93% of total referrals as well [26].

Child Support Collections

Statewide in Nevada, there were 118,148 open cases for determining child support payment obligations or enforcing existing child support payment obligations as of February 2008 [27]. Of these, payment obligations had been established in 74,716 cases (63% of the total) so that the primary legal issue in these cases is enforcement of the payment obligation. The remaining 43,432 cases were in various stages of the legal process to locate the parent, establish paternity or obtain a court ruling on child support payment obligations.

According to a 2007 report in the Las Vegas Review-Journal, child support was collected in only 46% of the cases in the state in fiscal year 2004-05 [28]. A performance audit of the state child support system showed that Nevada ranked 49th in the country in establishing paternity, 49th in the amount of child support collected, and 48th in the number of cases where support payments are not current. Nancy Ford, administrator of the state Welfare Division, specifically noted that “part of the problem is that Nevada’s child support system relies heavily on legal procedures [27].” These statistics suggest that there are many families that need legal assistance to get child support judgments in place or to enforce existing payment obligations.

Elder Abuse and Neglect

Senior citizens, and especially those residing in long-term care facilities (nursing homes, assisted living facilities and family care homes) are often frail and socially isolated. This leaves them vulnerable to many forms of abuse and neglect. The cases that receive the most attention in the media are overt forms of physical abuse, sexual abuse, and financial exploitation. However, there are many other situations that constitute abuse and neglect by endangering the health of seniors: malnutrition, dehydration, pressure (bed) sores, improper administration of medications, improper use of physical or chemical restraints, emotional abuse, unsafe conditions that lead to accidents and improper medical care, to name just a few. The Elder Abuse Reporting System (EARS) is the Nevada repository where reports of completed elder abuse investigations are maintained. The Nevada Division for Aging Services has been compiling data on elder abuse since 1981.

In the twelve month period from July 1, 2006 through June 30, 2007, there were 6,179 elder abuse and neglect complaints reported in EARS [29]. This is an increase of over 28% in just two years from 2004-05, when there were 4,806 complaints of elder abuse recorded. Of the 2006-07 complaints, 1,579 or about 25% of the complaints were able to be substantiated through investigation by law enforcement or other agencies. As with child abuse and neglect, there is no way to know the true prevalence of elder abuse and neglect since undoubtedly many incidents go unreported.

Table 17 provides the number of substantiated and total complaints of elder abuse and neglect by geographic area in state fiscal year 2006-07. It is especially significant to note that Washoe County had almost 60% more complaints and almost five times the number of substantiated complaints compared to Clark County, despite having one-fifth the number of people age 65 and over. Clark County has been working on transitioning its Senior Protective Services unit to the state-level Nevada Division on Aging rather than operating its own department; significant challenges have occurred with accepting and investigating allegations of elder abuse during the transition process. Differences in the rate of substantiated cases between other counties reflect major variations throughout the state in the level of effort expended to investigate and resolve allegations of elder abuse. These variations indicate the potential for many seniors or their family members to need legal assistance to address incidents of elder abuse and neglect because they cannot rely on governmental services to respond in a thorough and timely manner in all parts of the state.

“The challenge of reaching seniors is cultural and generational. There are a number of seniors that grew up not talking about money, health, retirement or end of life decisions. This group is inclined to resist asking for assistance even when a legal matter is identified, saying they were just not raised to talk about these issues.”
Legal Aid Service Provider

Table 17. Elder Abuse Reports by County, 7/1/2006 – 6/30/2007

County	Substantiated	Unsubstantiated	Total
Carson City	107	389	496
Churchill	61	137	198
Clark	191	1,337	1,528
Douglas	48	238	286
Elko	64	214	278

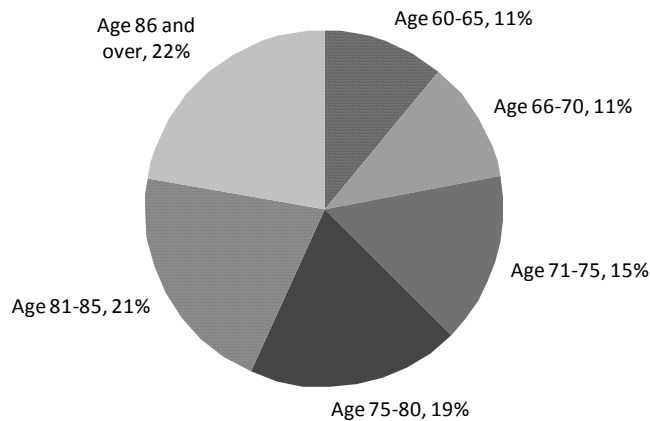
County	Substantiated	Unsubstantiated	Total
Esmeralda	0	12	12
Eureka	6	2	8
Humboldt	26	69	95
Lander	4	35	39
Lincoln	0	6	6
Lyon	93	296	389
Mineral	20	29	49
Nye	30	215	245
Pershing	6	19	25
Storey	2	12	14
Washoe	901	1,528	2,429
White Pine	20	62	82
Total	1,579	4,600	6,179

Source: State of Nevada Division for Aging Services, Elder Abuse Reporting System.

Statewide in fiscal year 2006-07, 1,211 complaints (20% of the total) involved allegations of physical, sexual or emotional abuse, 1,156 complaints (19%) were for neglect by a caregiver, 2,462 complaints (40%) involved self-neglect by seniors without proper support systems, 1,155 complaints (19%) were for financial exploitation and 195 complaints (3%) involved excessive isolation of a senior [28].

Figure 9 shows the distribution of total complaints based on the age of the victim. Over 62% of reported elder abuse and neglect cases affect seniors age 76 and older. This older age group is much more likely to be frail and vulnerable.

Figure 9. Age of Victim, Elder Abuse Complaints, 7/1/2006 – 6/30/2007



Source: State of Nevada Division for Aging Services, Elder Abuse Reporting System.

Family-Related Court Caseloads

An important measure of legal support need is the number of actual court cases related to family issues. Most family-related cases are handled by the District Courts. In addition, Justice Courts handle most of the requests for Domestic Violence Protection Orders in all counties except Clark, Elko and Washoe Counties where the District Courts process most of these requests. From July 1, 2005 to June 30, 2006, there were 59,571 family-related cases opened in Nevada’s District Courts plus an additional 1,740 requests for Domestic Violence Protection Orders processed by Justice Courts, producing a total of 61,311 family-related cases in Nevada courts [30].

Table 18 gives a breakdown of family cases processed in District Courts by geographic area and type of case.

Table 18. Family Cases in Nevada District Courts, 7/1/2005 – 6/30/2006

	Marriage Dissolution	Support/ Custody	Uniform Inter- state Family Support Act	Adop- tions	Pater- nity	Termin- ation of Parental Rights	Misc. Domestic Relations	Guard- ianship	Mental Health Cases	Domestic Violence Protective Orders (TPOs)	Re- opened cases	Total Family Cases
First District: Carson City and Storey County	447	16	154	27	15	25	45	75	0	0	1	804
Second District: Washoe County	2,755	303	1,613	177	51	204	256	493	429	1,890	2,968	11,139
Third District: Churchill and Lyon Counties	448	26	514	24	1	32	41	73	0	0	0	1,159
Fourth District: Elko County	310	30	258	22	24	16	31	60	0	212	57	1,020
Fifth District: Esmeralda, Mineral and Nye Counties	810	46	473	6	7	7	43	50	0	24	44	1,510
Sixth District: Humboldt, Lander and Pershing Counties	167	12	197	15	6	15	6	25	0	0	17	460
Seventh District: Eureka, Lincoln and White Pine Counties	77	7	53	5	0	8	0	14	0	1	16	181
Eighth District: Clark County	14,965	1,157	4,461	669	476	757	1,073	1,390	2,321	8,869	6,468	42,606
Ninth District: Douglas County	510	14	62	29	15	14	9	38	0	0	1	692
Total	20,489	1,611	7,785	974	594	1,078	1,504	2,218	2,750	10,996	9,572	59,571

Data for Lincoln, Mineral and White Pine Counties are incomplete.

Definitions for case types listed in the columns above:

- Marriage Dissolution Cases that involve either divorce or annulment.
- Support/Custody Cases that request maintenance of a spouse or child or a determination with regard to control, care or maintenance of a child. Both parties must reside in Nevada.
- Uniform Interstate Family Support Act Cases that require maintenance of a spouse or child when one party resides in another state.
- Adoptions Cases that involve a request for the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally.

Paternity	Cases that involve paternity issues as defined by Nevada statute.
Termination of Parental Rights	Cases that involve permanent termination of parental rights.
Misc. Domestic Relations	Cases involving a domestic relations issue that does not fit in one of the other family case types. Examples include name change or permission to marry.
Guardianship	Cases dealing with guardianship issues involving adults, minors or trusts.
Mental Health Cases	Cases that deal with legal determination as to whether an individual is mentally ill or incompetent and should be placed or remain under care, custody or treatment.
Domestic Violence Protective Orders	Cases for temporary order of protection when sufficient evidence exists that there has been domestic violence or the threat exists.

Source: Annual Report of the Nevada Judiciary: The Work of Nevada's Courts, July 1, 2005 to June 30, 2006.

Comparing the family court caseloads to the other information presented in this report about family-related legal issues, it is particularly noteworthy that there were relatively few child support cases in the family court system. Per the table above, there were a total of 9,990 family court cases that potentially involve child support obligations – 1,611 Support/Custody cases, 7,785

“If someone helped explain ‘the system’ to foster kids they wouldn’t act up as much.”
Focus Group Participant

Uniform Interstate Family Support Act cases involving maintenance of a spouse or child when one party resides in another state, and 594 paternity cases. This is in contrast to the data presented earlier that indicates that there are currently over 43,000 cases were in various stages of the legal process to determine child support obligations, and tens of thousands of other cases where child support obligations have been established but support payments are not current.

The total of over 61,000 family-related cases that were opened in court in a twelve month period should be viewed as an indicator of the minimum level of demand for legal services for family-related issues. The actual demand is certain to be far greater, given the need for legal assistance to evaluate situations and determine an appropriate course of action before a case would make it to the court system.

It should be noted that matters related to elder abuse would not be handled in family court and are not reflected in the caseloads shown in this section.

Child Advocacy Issues

Many of the family issues described in this report directly affect children in the family. Situations where children may need their own legal support to advocate for their interests in court proceedings include protective custody hearings to consider removal of a child from their home, child abuse and neglect petitions, child custody or guardianship matters, termination of parental rights, and adoptions. Other matters where minors can need legal assistance outside of court proceedings are protecting the rights of minors while placed in foster care. However, it is relatively rare for legal assistance to be available that is dedicated to the rights and interests of the child and not representing other parties (parents, guardians, county or state agencies, etc.).

The Nevada Civil Legal Needs Survey did not include children in the survey and thus does not provide insights into the civil legal needs of minors on family-related matters. Other data sources do offer some broad benchmarks about the potential level of need for children to have legal advocates on family-related issues. Table 18 shows that from July 1, 2005 to June 30, 2006 there were 1,611 support/custody cases where all parties were in Nevada, 7,785 Uniform Interstate Family Support Act cases with one party residing in another state, 974 adoption cases, 1,078 termination of parental rights cases and 2,218 guardianship cases [29]. This adds up to 13,666 family court cases potentially involving the interests of a minor. Some of these cases undoubtedly involve only adults without children directly involved, such as spousal support or guardianship for an adult; further information was not available to estimate the percentage of these cases in which a minor was involved that could benefit from legal assistance.

Other categories of court proceedings where legal advocates for children are almost certainly needed are child abuse petitions where a District Court has cause to get involved with the well being of a juvenile and protective custody hearings where a District Court will determine if the risk to a child is great enough to warrant removal, or continued removal, from their custodian. From July 1, 2005 to June 30, 2006, there were a total of 1,763 child abuse/neglect petitions and 3,673 protective custody hearings in Nevada’s District Courts [29]. Table 19 shows a breakdown of these cases and hearings by geographic area. The figures in the table may be underreporting the total number of cases. In particular, Carson City and Storey County only show 10 child abuse/neglect petitions – far fewer than other districts based on population – but reported 348 “miscellaneous petitions” involving juveniles while all other judicial districts in the state combined for 92 “miscellaneous petitions” [29].

Table 19. Juvenile Cases and Hearings Related to Child Abuse or Neglect, 7/1/05 – 6/30/06

Geographic Area (Judicial District)	Child Abuse/ Neglect Petitions	Protective Custody Hearings
First District: Carson City and Storey County	9	10
Second District: Washoe County	565	417
Third District: Churchill and Lyon Counties	80	47
Fourth District: Elko County	10	76
Fifth District: Esmeralda, Mineral and Nye Counties	14	35
Sixth District: Humboldt, Lander and Pershing Counties	24	43
Seventh District: Eureka, Lincoln and White Pine Counties	8	55
Eighth District: Clark County	1,050	2,990
Ninth District: Douglas County	3	0
Total	1,763	3,673

Data for Lincoln, Mineral and White Pine Counties are incomplete. *Source: Annual Report of the Nevada Judiciary: The Work of Nevada’s Courts, July 1, 2005 to June 30, 2006.*

Beyond the number of actual court cases involving minors, it is worth noting that during the fiscal quarter from April to June 2006, there were approximately 6,000 children in out-of-home placements, primarily in foster care homes [31].

Employment

A variety of situations related to employment can create needs for legal assistance. Discrimination in hiring, firing, discipline, promotions, or the terms of employment is a commonly recognized challenge. Additional employment-related issues can include illegal employment practices, problems accessing unemployment compensation or workers compensation benefits, problems with pension plans or other retirement benefits, and issues with pay or withholding.

The Nevada Civil Legal Needs Survey reported that 19% of respondents had some type of employment-related legal problems within the last 12 months [32]. Table 20 depicts the prevalence of selected employment-related legal issues among survey participants.

Table 20. Prevalence of Employment-Related Legal Problems Among Survey Respondents

Legal Issue	Percent of Households
Experienced problems due to illegal employment practices or discrimination	11%
<i>Due to race</i>	4%
<i>Due to national origin/ethnicity</i>	3%
<i>Due to gender</i>	3%
<i>Due to age</i>	3%
<i>Due to disability</i>	3%
<i>Due to retaliation for reporting unfair treatment or discrimination</i>	4%
Unfairly denied workers compensation benefits or in struggle to get these benefits	7%
Unfairly denied unemployment compensation benefits or in struggle to get these benefits	6%
Had serious problem related to a pension plan or retirement benefits	3%
Had serious difficulties related to pay or withholding	3%

Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

Other forms of discrimination tested in the survey were experienced by 2% or less of respondents and are not included in the above table. These included discrimination based on marital status, parental status, sexual orientation, religion, immigration status, military status, arrest or conviction record, lie detector test, suspended or revoked driver's license, and unresolved civil legal issues.

The survey results identified several statistically significant differences in the proportion of households that experienced an employment-related problem [31]:

- Respondents ages 60 and over (7%) were less likely than those ages 18 to 34 (24%), 35 to 54 (22%), or 55 to 59 (23%) to have reported that someone in the household had a problem related to employment, probably because they are retired.
- Those with a postgraduate or professional degree (5%) were the least likely to indicate that someone in the household had an employment-related legal problem, while those with less than a

high school education (24%) or technical school or some college (24%) were the most likely to report this type of problem.

- Racial and ethnic minorities were more likely than White/Non-Hispanics to report an employment-related legal problem (22% vs. 17%).

Limited additional data could be located for this report to understand the broader context of legal needs related to employment. The available data is organized into four categories: profile of employment in Nevada, job discrimination, unemployment insurance benefits, and workplace injuries and illnesses.

Profile of Employment in Nevada

On the average in 2007, there were 1.35 million Nevadans in the labor force [33]. Table 21 shows the total size of the labor force, average number of unemployed persons and average unemployment rate in 2007 by geographic area.

Table 21. Labor Force and Unemployment, 2007

Geographic Area	Total Labor Force	# Unemployed	Unemployment Rate
Las Vegas MSA	964,500	46,500	4.8%
Reno MSA	228,800	10,600	4.6%
Carson City MSA	28,400	1,500	5.4%
Rest of the State	126,000	6,600	5.3%
Total	1,347,700	65,200	4.8%

MSA = Metropolitan Statistical Area

Source: Nevada Department of Employment, Training and Rehabilitation, Research and Analysis Bureau.

Unemployment rates have been climbing steadily for the past year. In January 2008, the seasonally-adjusted unemployment rate for Nevada was 5.5%, compared to 4.5% in January 2007 [34]. Non-adjusted unemployment rates in January 2008 reached 5.7% in Clark County, 6.6% in Washoe County and 7.5% in Carson City.

The most recent year for which demographic breakdowns of unemployed persons is available is 2006. The following table provides Nevada unemployment rates in 2006 by age group, ethnicity and gender. These statistics only include persons considered to be in the work force and exclude retired persons and others that have voluntarily withdrawn from the work force. Overall, 19% of unemployed persons in 2006 had annual incomes below the poverty level [35].

Table 22. Unemployment Rates by Demographic Group, 2006

Demographic Group	Unemployment Rate
AGE	
16 to 19 years	16.4%
20 to 24 years	7.7%
25 to 44 years	4.5%

Demographic Group	Unemployment Rate
45 to 54 years	3.8%
55 to 64 years	4.6%
65 to 74 years	4.3%
75 years and over	2.2%
RACE AND HISPANIC OR LATINO ORIGIN	
One race	
White	4.8%
Black or African American	8.7%
American Indian and Alaskan Native	10.6%
Asian	4.2%
Some other race	5.1%
Two or more races	7.3%
Hispanic or Latino origin (of any race)	4.6%
White alone, not Hispanic or Latino	5.0%
GENDER	
Male	4.8%
Female	4.6%

Source: *Employment Status (2006)*. U.S. Census Bureau, American Community Survey.

Job Discrimination

Employment discrimination complaints relating to race, national origin, color, creed/religion, sex (gender and/or orientation), age, and disability are handled by the Nevada Equal Rights Commission. Although information about employment discrimination complaints in Nevada was not available for inclusion in this report, data is available from national surveys on job discrimination and complaints filed with the federal Equal Employment Opportunity Commission.

During the federal fiscal year from October 1, 2006 to September 30, 2007, the U.S. Equal Employment Opportunity Commission (EEOC) received a total of 82,792 filings from across the country alleging job discrimination, a 9% increase over the previous year [36]. Discrimination based on race, retaliation over reporting of unfair or illegal employment practices, and sex/gender accounted for the majority of these cases. Discrimination based on age or disability was also noted in over 20% of the filings. The EEOC does not provide a breakdown of complaints by state.

A national survey conducted by Harris Interactive for Kelly Services and CareerBuilder.com found that one in five working Americans feel they have faced discrimination on the job [37]. More specifically, 23% of diverse workers said they had been discriminated against or treated unfairly in the workplace based on their background. Discrimination (actual or perceived) took various forms such as not receiving credit for one's work, being overlooked for a promotion, not being assigned to projects that will help the person gain more visibility in the organization, and having co-workers make derogatory comments to or in front of the

worker. 50% of these workers who experienced discrimination or unfair treatment said they did not report the incident. Of those who did report, in 73% of the cases the offender was not held accountable.

Unemployment Insurance Benefits

In December 2007, 30,446 individuals in Nevada collected unemployment insurance benefits, an increase of over 30% from the same month in 2006. Increased levels of unemployment benefit claims were broad-based across nearly all industries in 2007, with the largest increases noted in the Professional & Technical Services (104%), Mining (86%) and Finance & Insurance (80%) sectors. The highest number of claims was for workers in the construction industry, accounting for 6,909 or almost 23% of all claims [38].

On the average in 2007, over 13,000 people every month file an initial claim for unemployment benefits (in other words, request benefits for the first time for a specific period of unemployment). When benefits are approved, covered workers receive benefits for 13 weeks on the average [39].

The Nevada Department of Employment, Training and Rehabilitation (DETR) does not publish specific statistics on denial of unemployment insurance claims. As a surrogate for measuring the rate of denials, DETR data showing monthly patterns of the number of people submitting initial claims compared to the number of people receiving a first payment on claims was analyzed. For the first six months of 2007, an average of 12,675 people per month filed an initial claim and 6,118 people received an initial payment after being approved to receive benefits [38]. This suggests that roughly 50% of people filing initial claims were able to receive benefits.

When claims for unemployment insurance benefits are denied, there may be numerous valid reasons for the denial. In order to qualify for benefits, a person must be fully or partially unemployed through no fault of their own (for example, not terminated from a job due to their own misconduct), have earned enough wages to qualify, be physically and mentally able to work, be available for work without undue restrictions, and be actively seeking work. The primary demand for legal services related to unemployment benefits therefore appears to a percentage of the 6,000 or so people each month that file for unemployment benefits, are denied benefits by the state, and have a legitimate case that the denial was improper or, if benefits were initially approved, that later denials of continuing benefits were improper.

Workplace Injuries and Illnesses

Occupational injuries and illnesses are governed by federal laws administered by the Occupational Safety and Health Administration. Under OSHA, all employers except the smallest businesses are required to maintain programs to prevent workplace injuries and illnesses, and to report fatal and non-fatal incidents of workplace injuries. In 2006, a total of 27,800 cases of workplace injuries and illnesses were reported by Nevada employers [40]. Of these, 13,300 required days away from work and the other 14,500 required job restrictions or a transfer to other job duties – usually temporarily – because of the injury.

Data on workers compensation insurance claims and denials of claims was requested from the Nevada Division of Industrial Relations but was not made available in time for this report.

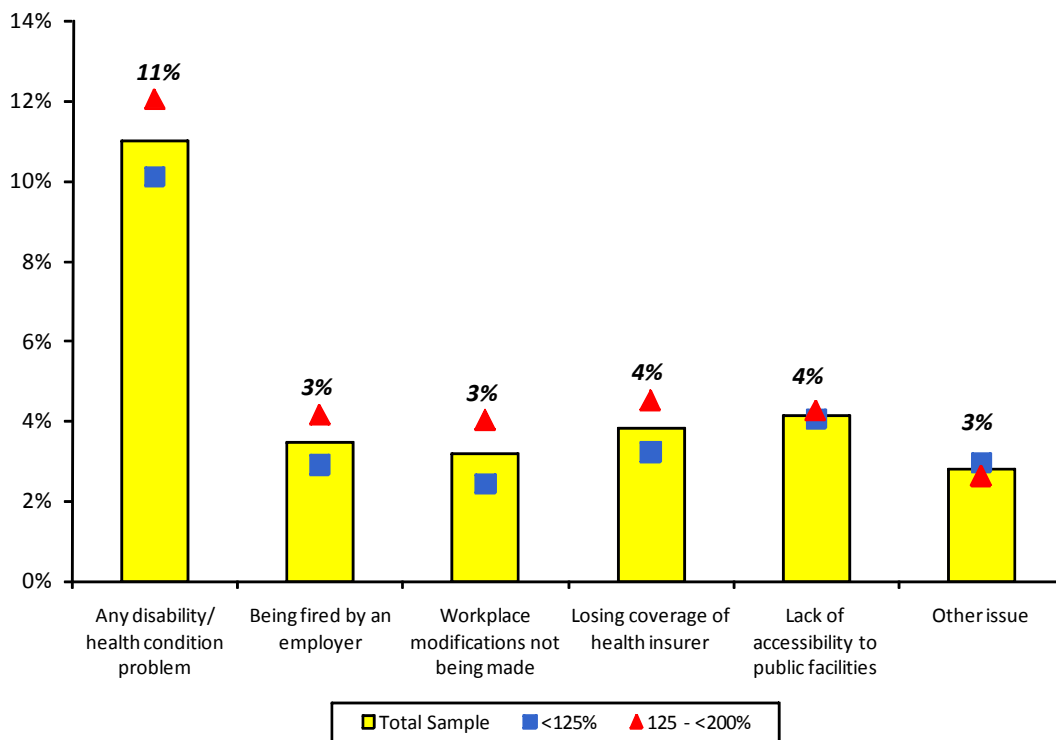
Persons with Disabilities

The Americans with Disabilities Act (ADA) considers a person disabled if that person has “a physical or mental impairment that substantially limits one or more major life activities of such an individual; a record of such an impairment; or being regarded as having such an impairment.” The Census Bureau defines a disability as a long lasting sensory, physical, mental or emotional condition.

Persons with disabilities or serious health conditions can face unique civil legal needs such as being fired by an employer in violation of state and federal laws, workplace modifications not being made, losing coverage of a health insurer, and inaccessibility of public facilities.

Figure 10 shows the results of the Nevada Civil Legal Needs Survey regarding the extent to which households are experiencing legal issues related to a disability or serious health or mental health condition, and the specific nature of those issues.

Figure 10. Percentage of Households That Experienced a Disability-Related Legal Problem



Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

The survey results noted the following key differences in the prevalence of disability-related legal problems among different demographic groups [41]:

- Households with children under age 18 were less likely than those without children to have had a household member with this type of problem (9% vs. 13%).
- Respondents ages 55 to 59 (20%) were the most likely to indicate that someone in the household had a legal issue related to a disability, serious health condition, or mental health condition, followed by those ages 35 to 54 (13%), 18 to 34 (10%), or 60+ (4%).

- Those who are disabled (28%) or unemployed (20%) were among the most likely to indicate there was a problem related to a disability, serious health condition, or mental health condition, while retired (4%) individuals were among the least likely to indicate that someone in the household experienced this type of problem.

In order to assess the total potential need for civil legal assistance among people with disabilities, the remainder of this section presents information in three categories: a profile of the overall incidence of disabilities within Nevada’s population, presence of disabilities among working age adults, and disabilities among seniors.

Profile of Disabilities in Nevada

Different data sources contain widely differing estimates of the number of people in Nevada with disabilities, depending on the definition of “disability” used and the data collection methodology. For 2006, the lowest estimate found was that 12.6% of Nevada’s population age 5 and over – 287,816 people – had at least one disability [42]. This rate was developed from the annual American Community Survey conducted by the U.S. Census Bureau, and is reasonably consistent with the percentage of respondents in the Nevada Civil Legal Needs Survey that reported a disability. The highest estimate was from the 2005 Center for Disease Control and Prevention’s Behavioral Risk Factor Surveillance System, which reported that 19.3% of Nevada’s population had one or more disability, tying with New Mexico and Alaska for the 17th highest rate of disabilities in the nation [43]. This rate would translate into almost 425,000 residents with at least one disability. As a third benchmark, roughly 6,000 callers or 16.9% of all calls made to the Nevada 2-1-1 community resource information line from December 2006 to July 2007 told call center operators that they have some form of disability [44]. For this report, the American Community Survey data is used as a conservative estimate that also offers more detailed breakdowns and year-to-year comparisons.

Table 23 shows a breakdown by geographic region of the estimated number of persons age 5 and over with at least one disability in 2006. A much higher percentage of people in the rural regions of the state have disabilities than in the urban areas; over 16% of the population outside of Clark and Washoe Counties have at least one disability, compared to less than 13% in Washoe County and under 12% in Clark County [41].

Table 23. Population by Region, Age 5 and Over with a Disability, 2006

	Number of People With Any Disability	% of Total Population
Clark County	192,247	11.9%
Washoe County	47,021	12.9%
Rest of the state	48,548	16.4%
Total	287,816	12.6%

Source: Disability Characteristics: U.S. Census American Community Survey, 2006.

The overall percentage of those with a disability living below the federal poverty level decreased from 15.3% to 15.0% from 2005 to 2006 [41]. Table 24 provides a breakdown of the percentage of people living below the poverty level for different types of disabilities. As the table indicates, the highest rates of poverty are among people with a mental disability at 20.1%.

Table 24. Poverty Rates for Nevada Population Age 5 and Over with a Disability, 2006

	Number of People	% Below Poverty Level
With any disability	287,816	15.0%
With a sensory disability (e.g. blind, deaf, mute)	79,659	11.6%
With a physical disability	188,086	15.6%
With a mental disability	91,161	17.7%
No disability	1,984,530	20.1%

Note: Individuals with multiple disabilities will be included in all applicable categories; for example, one person may be counted in both the physical and mental disability groups.

Source: *Disability Characteristics: U.S. Census American Community Survey, 2006.*

Disabilities among Working Age Adults

Working age adults with disabilities may have legal needs not faced by people in other age groups, such as employment discrimination or failure of employers to make reasonable accommodations to enable them to work as required by the Americans with Disabilities Act. The best available data to use as an indicator of disabilities among working age adults is the rate of disabilities for people ages 16 to 64, as shown in the following table.

Table 25. Nevada Population 16 to 64 Years of Age by Type of Disability, 2006

	Number of People	% of Total Population
Total population, ages 16 to 64 years	1,630,778	-
With any disability	169,476	10.4%
With a sensory disability (e.g. blind, deaf, mute)	37,030	2.3%
With a physical disability	104,921	6.4%
With a mental disability	54,536	3.3%
With a self-care disability	28,479	1.7%
With a go-outside-home disability	44,617	2.7%
With an employment disability	95,920	5.9%

Note: Individuals with multiple disabilities will be included in all applicable categories.

Source: *Disability Characteristics: U.S. Census American Community Survey, 2006.*

In the preceding table, self-care disabilities are disabilities that require assistance for basic daily care such as bathing or toileting. Go-outside-home disabilities are disabilities that make it especially difficult for a person to leave their home. Employment disabilities are disabilities that make it difficult to be employed because of a physical, mental or emotional condition. People with these disabilities, however, can and often do maintain employment but may require special accommodations to do so.

A relatively positive indicator is that 33% of Nevadans with developmental disabilities, which are disabilities attributed to mental retardation, autism, cerebral palsy, epilepsy or a specific learning disability, were

served in competitive employment in 2005, well above the national average of 24% [45]. Overall, 40% of people age 16 to 64 in Nevada with one or more disabilities were employed in 2006 compared to 76% of people in this age group without disabilities [41].

One potential area of need that does not appear to be a priority for legal support in Nevada is assistance with keeping people with disabilities out of institutional settings when institutionalization is not absolutely required. Nevada is doing extremely well in the rate of independent living, at least among persons with developmental disabilities. A 2006 report from the Research and Training Center on Community Living at the University of Minnesota shows that among all Nevada residents with developmental disabilities:

- 61.3% were living in a family home, almost exactly the national average.
- 94.6% were living in their own home, family home, family foster care (one to three residents) or congregate care (one to three residents); this is the 4th best rate in the nation.
- 97.3% were living in community settings (home with one to six residents), 7th best in the nation, while only 2.7% were living in large institutional settings with 16 or more residents [46].

Disabilities Among Seniors

Seniors with disabilities may not have legal support needs related to employment, at least to the same extent as younger persons, but they may still face special challenges such as inaccessibility of public facilities. Table 26 profiles the rate of disability among seniors, with breakdowns for various types of disabilities.

Table 26. Nevada Population Age 65 and Over by Type of Disability, 2006

	Number of People	% of Total Population
Total population, age 65 and over	270,243	-
With any disability	104,584	38.7%
With a sensory disability (e.g. blind, deaf, mute)	39,996	14.8%
With a physical disability	79,722	29.5%
With a mental disability	25,943	9.6%
With a self-care disability	25,133	9.3%
With a go-outside-home disability	42,969	15.9%

Note: Individuals with multiple disabilities will be included in all applicable categories.

Source: *Disability Characteristics: U.S. Census American Community Survey, 2006.*

As the table illustrates, seniors have a far greater rate of disability as a percentage of the population than do other age groups. The percentage of seniors with physical disabilities – 29.5% – is particularly notable since accommodations like ramps, handrails and other structural supports are often needed to make public facilities and housing options accessible for persons with physical disabilities.

Beyond these broad indicators, no data other than the Nevada Civil Legal Needs Survey was found for this report to determine the extent to which seniors (or, for that matter, any other age group) had specific legal support needs that were related to the presence of disabilities.

Public Benefits

One portion of the Nevada Civil Legal Needs Survey dealt with civil legal problems associated with applying for or receiving government assistance program benefits for individuals and families. 61% of survey respondents had applied for or received benefits from at least one public assistance program such as Medicare, Medicaid, Social Security for the disabled, Supplemental Security Income (SSI), food stamps and other such programs [47]. The survey results indicated that 24% of respondents experienced a problem related to public benefit programs.

Table 27 shows a breakdown of the main types of problems experienced by survey participants or someone in their household.

Table 27. Prevalence of Problems with Public Benefit Programs Among Survey Respondents

Issue	Percent of Households
Any problem with a public benefits program	24%
Insurance coverage for healthcare, prescription drugs, or medical equipment or supplies	9%
Having a benefit denied or cut unfairly	9%
Being expected to meet unreasonable requirements to get the benefit	8%
Not being given information about how the program works or how to appeal a decision	7%
Being discouraged from applying for benefits	7%
Charges for healthcare, prescription drugs, or medical equipment or supplies	6%
Claims payments for healthcare, prescription drugs, or medical equipment or supplies	5%
Being told you have to pay back money you had previously received	5%
Being punished or sanctioned unfairly for supposedly not following the rules	4%

Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

Other types of problems were noted in 3% or less of households surveyed and included problems getting Medicare coverage for rehabilitation or nursing home care.

Important variations in survey results regarding the occurrence of benefits-related problems among different demographic groups were [48]:

- Singles were somewhat more likely than those who are married/partnered to report that someone in the household had a problem with benefits (27% vs. 21%).

- Disabled (49%) respondents were the most likely to indicate that someone in the household had a benefits-related problem.
- 19% of Hispanics said that a household member had a benefits-related problem, compared with 27% of White/Non-Hispanics. About 29% of Black/Non-Hispanics and 27% of those classified as Other Race/Non-Hispanic indicated that someone in the household experienced this type of problem.

To put the survey results into proper context, it is helpful to understand the overall extent to which Nevada residents receive benefits from public assistance programs. The following table shows the total number of people enrolled in various benefits programs.

Table 28. Nevada Enrollments in Selected Public Benefit Programs, 2006

Program	Number of Persons Enrolled
Medicare	311,066
Medicaid, total for all benefits	256,800
<i>Medicaid health insurance coverage, all ages</i>	<i>177,449</i>
<i>Medicaid benefits for disabled persons</i>	<i>25,070</i>
Supplemental Security Income	47,799
Food Stamps – average monthly participants	118,370
Temporary Assistance for Needy Families	19,880

Source: Kaiser Family Foundation, StateHealthFact.org, and Nevada State Division of Welfare and Supportive Services State Fiscal Year 2006 Fact Book.

Data on the number of persons who applied for benefits and had their application denied, or who were receiving benefits and had benefits terminated, was not available [49]. The only information found during the research for this report regarding the prevalence of problems with public benefit programs that could involve legal issues was the results of the Nevada Civil Legal Needs Survey cited earlier.

Personal Finances and Consumer Issues

Needs for legal assistance can arise from many different personal finance and consumer matters such as dealing with creditors, exploring or filing for bankruptcy, resolving errors in credit reports, managing personal loans and credit plans, dealing with contracts for goods and services, and working with businesses to receive goods and services that are promised and to handle problems with defective goods or performance of services.

The Nevada Civil Legal Needs Survey explored this area of legal needs and found that 47% of households surveyed faced some type of personal finance or consumer-related legal issue within the past 12 months [50]. The most prevalent issue was being contacted by a collection agency regarding unpaid bills; this happened to 33% of households surveyed. Three other issues were reported by 11% to 14% of households each: having a major problem with a creditor, having a local utility cut off service or threaten to stop service to the household, and dealing with incorrect information in a credit report. Table 29 shows all finance/consumer-related legal issues that were reported by at least 5% of households surveyed.

Other types of problems were noted in 4% or less of the households surveyed. These issues included problems getting information about bankruptcy or filing for bankruptcy, problems with contracts, businesses not standing behind defective products, problems with payday loans, and serious problems related to local, state or federal taxes.

Key differences in the prevalence of finance/consumer-related problems by demographic group were [46]:

- Those with children under age 18 in the household were more likely than those without children to have had a problem with personal finances or consumer issues (52% vs. 41%).
- Those ages 60 and over (34%) were less likely than respondents ages 18 to 34 (49%), 35 to 54 (52%), or 55 to 59 (47%) to report that someone in the household had a financial or consumer issue. Likewise, retired (34%) individuals were the least likely to indicate a household member experienced this type of problem.

Table 29. Prevalence of Finance/Consumer-Related Legal Problems Among Survey Respondents

Issue	Percent of Households
Any finances/consumer problem	47%
Contacted by a collection agency regarding unpaid bills	33%
Had a major problem with a creditor	14%
A local utility cutoff or threatened to stop service to household	13%
Experienced problem due to incorrect information in credit report	11%
Had problem with a business overcharging for a product or service	8%
Had a problem with loan or credit where the interest rate, fees or repayment terms were not adequately disclosed	7%
Had problem with a business concerning repairs on home that required paying someone else to fix them	5%

Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

The rest of this section contains additional information about the extent to which people in Nevada face specific types of financial issues such as personal debt, bankruptcy and identity theft. First, however, it is essential to understand the magnitude of personal financial challenges facing many Nevadans.

Understanding Personal Finance Needs in Nevada

The Demographic Profile of Nevada section of the report contains information about standard indicators of income such as poverty status and household income levels. Those statistics, while relevant, do not paint the true picture of financial need in the state. Consider the following information from the Lyon County Human Services Department’s Strategic Plan for 2007 - 2010:

“In 2000, the Federal Poverty Guidelines considered a family of four to be living in poverty if the gross family income was less than \$17,050. Today, a family of four is considered to be living in poverty if the gross household income is below \$20,000. That equates to a gross monthly income of less than \$1,667 and an hourly wage of approximately \$9.62 [51].”

The following table shows the estimated cost of basic living needs for two different families (single parent family and two parent family) in Lyon County.

Table 30. Estimated Cost of Basic Living Needs in Lyon County

Monthly Expenses for Basic Needs	One Parent, Two Children	Two Parents, Two Children
Housing (Rent)	\$698	\$698
Utilities	125	150
Food	405	587
Child Care	688	688
Transportation	313	420
Health Care	248	304
Miscellaneous	305	354
Monthly total	2,782	3,201
Annual total	33,384	38,412
Hourly wage required to meet expenses	\$16.05	\$18.47

Source: Lyon County Human Services Strategic Plan 2007-2010

This table shows the cost of basic needs for a family of three and a family of four. The two parent family would need to have one parent making \$18.47, or both parents working, each making \$9.23 an hour. The single parent must have an income of \$33,384 annually in order to meet basic needs. That equates to a full time job paying more than \$16.05 an hour. Considering this amount in comparison to the income based on Federal Poverty Guidelines, it is apparent that there is a large gap between the reality of families meeting their basic needs (\$18.47) and what the government sees as families meeting their basic needs (\$9.62). Although the 2000 Census states 10.4% of the Lyon County population is living below poverty level, when considering what it actually costs for a family to meet their basic needs, we have closer to one quarter of our population unable to meet those needs!”

Placed in this context, families that are at 200% of the federal poverty level can still be facing significant financial pressures – the type of pressures that can lead to mounting credit balances, use of high-interest payday loans, problems with creditors and other such issues.

The following table shows the number of people in Nevada that were estimated to be at different thresholds of the federal poverty level in 2006. As the table indicates, almost 700,000 people – over 28% of the state’s population – had been at or below 200% of the federal poverty level in the preceding year. This may be a better indicator of the prevalence of financial stress than looking at the standard poverty level [52].

Table 31. Poverty Status in the Past 12 Months, 2006

	Number of People	% of Total Population
50% of poverty level	121,528	4.9%
100% of poverty level	253,713	10.3%
125% of poverty level	350,110	14.2%
150% of poverty level	453,501	18.4%
185% of poverty level	626,575	25.5%
200% of poverty level	697,649	28.4%

Source: U.S. Census Bureau, American Community Survey, 2006.

Personal Debt

As people struggle to make financial ends meet, many turn to various sources of short-term funds such as credit cards and payday loans. Nevadans had the second-highest average credit card balance in the nation at \$7,645 in 2007, according to Experian, a national credit monitoring service [53]. Experian further reports that, on the average, Nevada residents have \$19,354 of personal debt; this figure includes revolving credit accounts (e.g. credit cards) and fixed payment loans (e.g. auto loans) but excludes real estate loans [54]. The average Nevadan has 1.5 credit card or loan accounts that are currently past due by at least one payment or more [53]. These factors all support the high percentage of households participating in the Nevada Civil Legal Needs Survey that reported being contacted by a collection agency regarding unpaid bills and having major problems with creditors.

“I took out a \$300 pay day loan to make my car payment. The loan payment was \$60 every two weeks. I got paid twice a month. Eventually, I missed a payment because the loan was due but I hadn’t gotten paid yet. So, I reduced the amount of the payment and was paying a penalty for not paying the whole \$60. Then, I got sick and missed work. I missed a payment. Now, I owe \$1,500 on my original \$300 loan, and nothing I paid counts towards that.” Focus Group Participant

Payday loans are short-term loans intended to provide cash until a person’s next paycheck. In 2005, the president of the Nevada Financial Services Association estimated that 200,000 payday loans are made each week in Nevada [55]. They are a particular challenge because they mainly target lower-income individuals that can least afford the high interest rates. Testimony in the 2007 Nevada Legislative session indicated that some companies were using loopholes in state laws to charge interest rates up to 900% [56]. Even after laws were tightened in 2007, it is legal to charge up to 40% interest before being termed a “high interest loan” that requires special restrictions. A report in the Nevada Appeal further noted that “payday lenders also have clogged state courts ... almost 40% of civil cases in Reno’s justice courts and 34% of such cases in Las Vegas’ justice courts are brought by payday lenders [55].”

The Housing section of this report contains data on foreclosures on mortgages, another type of personal finance problem. As noted there, a total of 66,316 foreclosure filings on 34,417 properties were reported in Nevada in 2007, an increase of more than 200% in total filings from 2006.

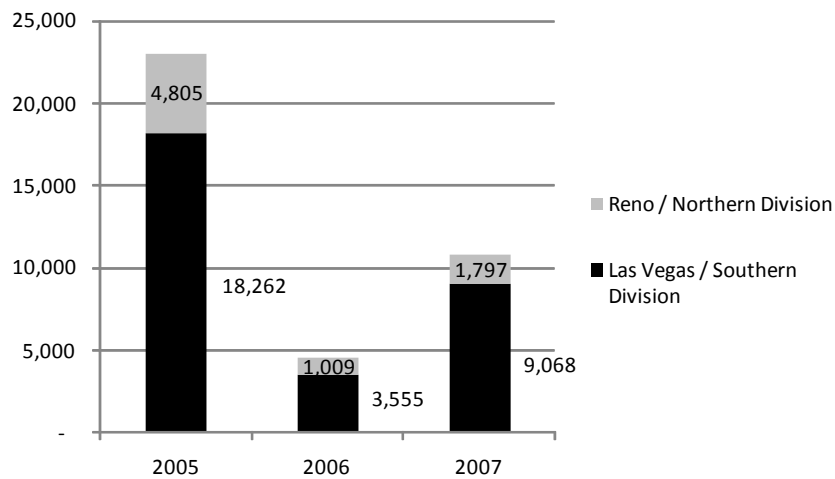
Bankruptcies

In 2007, there were a total of 10,865 filings for personal bankruptcies in Nevada courts [57]. This figure combines filings under both Chapter 7 and Chapter 13 of the U.S. Bankruptcy code, and excludes Chapter 11 filings which are business oriented. The majority (83%) of these filings occurred in Clark County and 17% were in Washoe County.

Figure 11 shows the three-year trend of bankruptcy filings from 2005 to 2007. As the graph illustrates, there are large year-to-year variations in the number of filings;

2007 levels were more than double the number in 2006, yet less than half the rate in 2005 when there were over 23,000 personal bankruptcy filings.

Figure 11. Bankruptcy Filings in Nevada Courts, 2005 - 2007



Source: U.S. Bankruptcy Court, District of Nevada.

The large drop from 2005 to 2006 was undoubtedly caused in part by the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, a federal law that took effect in October 2005. Under provisions of this Act, some people with higher incomes are prohibited from filing for bankruptcy under Chapter 7 (liquidation of assets and debts) and instead are required to file under Chapter 13 and repay at least some of their debt. All persons are required to complete an approved credit counseling program before filing for bankruptcy under either Chapter 7 or Chapter 13. The new law also imposed additional requirements on lawyers, most notably requiring attorneys to verify information provided by their clients in bankruptcy filings (including obtaining documentation, appraisals of assets and other measures), which increased the time and costs associated with bankruptcy proceedings.

It must be noted that the number of actual filings for bankruptcies would represent the minimum need for legal support in this area; undoubtedly many more people needed assistance to evaluate their options and determine if bankruptcy was the most appropriate course of action for their situation.

Fraud and Identity Theft

The Federal Trade Commission (FTC) received 4,222 fraud complaints and 2,994 identity theft complaints from Nevada consumers in 2006 [58]. Nevada ranked 2nd in the nation in identity theft complaints per 100,000 people. The top five fraud complaints for Nevada were Shop-at-Home/Catalog Sales (495 complaints, 12% of the total), Prizes/Sweepstakes and Lotteries (406 complaints, 10%), Internet Auctions (404 complaints, 10%), Internet Services and Computer Complaints (397 complaints, 9%) and Foreign Money Offers (240 complaints, 6%).

Immigrants

A special set of civil legal problems is associated with the ability of immigrants, including but not limited to people with limited English proficiency, to use the legal system or defend personal rights.

On the surface, the results of the Nevada Civil Legal Needs Survey would suggest that relatively few legal problems are experienced related to immigration status or language proficiency. Only 4% of survey respondents overall indicated that they had any immigration or language problems in the last 12 months [59]. 3% of respondents reported difficulty using the legal system or defending rights because of a language problem, and 2% noted an immigration problem. However, about 12% of Hispanics reported a legal problem related to immigration or language for a household member, compared with 1% or fewer of those classified as another race or ethnicity.

The survey results do not reflect the growing size of the immigrant population in Nevada and the significant challenges that persons with limited or no English skills have in accessing legal assistance when needed. A further analysis is needed, focusing separately on each of two distinct issues: immigration issues and language issues.

Profile of Immigrants in Nevada

The Census Bureau estimated that in 2006, there were 475,914 foreign born residents of Nevada, accounting for 19% of the state's total population [60]. Of these immigrants, 303,409 were not a U.S. citizen and the remaining 172,505 were naturalized citizens. The following table provides demographic indicators for the immigrant population of Nevada, for naturalized citizens compared to non-citizens.

Table 32. Demographic Characteristics of Foreign Born Residents of Nevada, 2006

Subject	Foreign Born - Total	Naturalized Citizens	Not a U.S. Citizen
AGE			
Under 17 years	8.0%	2.5%	11.2%
18 to 64 years	82.8%	78.8%	84.9%
65 years and older	9.2%	18.7%	3.9%
ETHNICITY			
Hispanic or Latino origin	60.6%	38.8%	73.0%
Asian and Pacific Islander	21.1%	34.3%	13.7%

Subject	Foreign Born - Total	Naturalized Citizens	Not a U.S. Citizen
Black or African-American	2.4%	3.0%	2.1%
Other	15.9%	23.9%	11.2%
HOUSEHOLD TYPE			
Married-couple family	59.3%	65.2%	55.9%
Other household types	40.7%	34.8%	44.1%

Source: U.S. Census Bureau, American Community Survey, 2006.

70% of non-citizen immigrants were employed, 3% were unemployed, and the other 27% were not in the labor force (e.g. in school, parents staying at home, retired, etc.). Income levels tend to low among this population. 16% were living below 100% of the federal poverty level and another 29% were between 100% and 199% of the poverty level, so overall 45% of non-citizen immigrants were below 200% of the poverty level [59]. By contrast, 26.6% of foreign born persons who had become naturalized citizens were below 200% of the poverty level, a rate that is almost identical to U.S. born citizens living in Nevada.

“People who don’t have money do considerably worse when they reach administrative or court level of proceedings.” Legal Aid Provider

The number of immigrants, both foreign born naturalized citizens and non-citizens, has jumped dramatically during this decade. The number of foreign born naturalized citizens rose by 55,719 people from 2000 to 2006, a 48% increase since 2000 [59,61]. The number of foreign born non-citizens living in Nevada climbed by over 103,000 during the same period, a 52% increase since 2000.

Non-English Speaking Persons

A separate issue, but related to immigration, is how to meet the legal support needs of individuals that have limited English language skills. People with limited English proficiency have many special challenges in accessing legal services. They are less likely to interpret information about available services in order to know where to go for assistance, can have difficulty in communicating with legal service providers when they do locate a provider, and can have significant problems with understanding written and verbal information provided by legal service providers and courts.

According to the 2006 American Community Survey, 27% of Nevada residents speak a language other than English as their primary language at home [59]. Almost 300,000 people in Nevada ages 5 and over speak English less than “very well.” Contrary to popular opinion, people with limited English proficiency are not all Spanish speaking; there are many other languages that are commonly spoken in Nevada. The following table provides a breakdown of adults ages 18 and over who primarily speak a language other than English at home, and their level of English proficiency.

Table 33. Primary Language Other than English Spoken at Home, 2006

Primary Language Spoken at Home	Total Number of People Age 18 and Over	Percent That Speak English Less Than “Very Well”	Estimated Number with Limited English Proficiency
Spanish or Spanish Creole	328,892	63.2%	208,000

Primary Language Spoken at Home	Total Number of People Age 18 and Over	Percent That Speak English Less Than "Very Well"	Estimated Number with Limited English Proficiency
Other Indo-European languages	47,345	29.7%	14,050
Asian and Pacific Island languages	94,779	39.9%	37,800
Other languages	15,095	34.6%	5,220
Total	486,111	54.5%	265,070

Source: U.S. Census Bureau, American Community Survey, 2006.

Meeting the Legal Service Needs of Immigrants

Immigrants to the United States face the same legal challenges as other residents, but are among those least likely to obtain professional legal assistance. There are several major barriers that inhibit the extent to which immigrants can access legal services and their willingness to utilize services even when they are available.

- Cultural influences. As noted earlier in the Demographic Profile of Nevada section of this report, cultural backgrounds can be a significant factor in inhibiting access to legal services, regardless of language and immigration status. They may be general impediments, such as recent immigrants that are not sufficiently acculturated to understand the American legal system and how it functions, or specific impediments such as not seeking assistance for a domestic violence problem due to cultural preferences for protecting family relationships at all costs.
- Statutory limits on assisting non-citizens. Federal law currently stipulates that legal services providers funded by the Legal Services Corporation (LSC) are permitted to provide legal assistance only to citizens of the United States plus citizens of Micronesia, the Marshall Islands and Palau legally living in the U.S. For the over 300,000 Nevada residents that are not U.S. citizens, this alone is a tremendous barrier given the relatively low income levels noted already for this population.
- Fear of government agencies. A report by the Asian Pacific American Legal Center found that “many Asian / Pacific Islander immigrants and refugees came to the United States from countries with different – and often much harsher – political systems. Often suffering injustices in their home countries, these individuals lack trust in government services and/or have a different value system about interaction with government-funded agencies [62].” This same factor has been noted with Latino immigrants and other ethnic groups.
- Language barriers. As already noted earlier in this section, people with limited English proficiency find it significantly more difficult to access legal services and, in general, participate in the American legal system.
- Outreach methods that do not reach diverse communities. The Asian Pacific American Legal Center’s study also found that “legal aid programs rely on telephone intake systems and/or walk-in appointments to handle clients. ...[O]utreach or marketing is usually project-specific and relies on written brochures, fliers, and understaffed or sporadic general community presentations [4].” The

study goes on to note that these outreach methods are not effective for many immigrants because communities comprised mainly of immigrants can be isolated from services outside of their communities, and traditional outreach methods usually do not overcome cultural and linguistic barriers.

Native Americans and Tribes

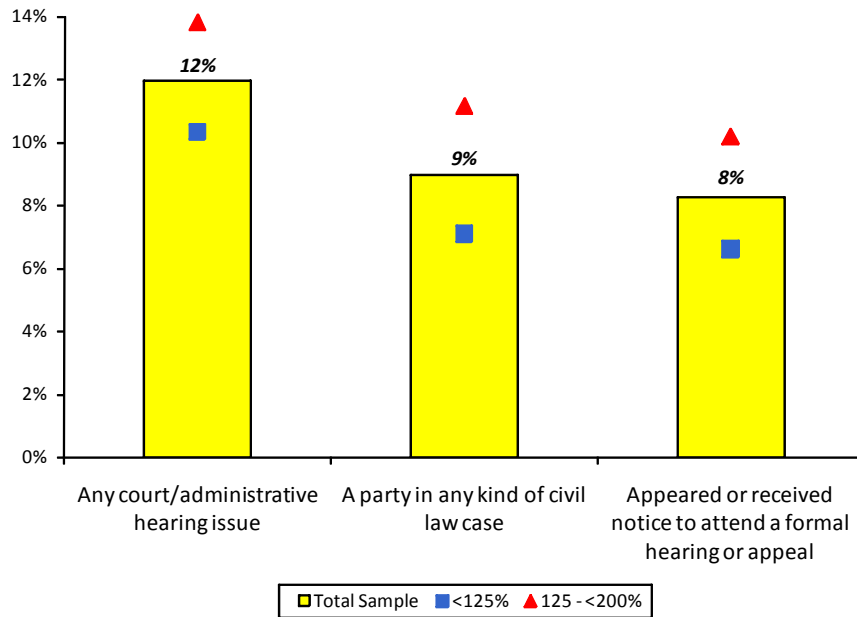
The Nevada Civil Legal Needs Survey reported that approximately one in 10 households with a Native American tribe member experienced problems related to being Native American that could require legal assistance [63]. This includes problems with local, state and federal government agencies, not have legal representation in a tribal court, problems with tribal affiliations and serious disputes with a tribe or one of its governing entities. If this rate was applied to the estimated 36,000 Native Americans in Nevada in 2007 [64], it would translate into about 3,600 people experiencing problems specifically related to being Native American. No other information was found for this report to provide further insights into the legal assistance needs of Native Americans.

Court and Administrative Hearings

Beyond the many specific legal issues covered in the preceding sections of this report, there are a host of other civil legal matters that could make someone a party to a lawsuit or cause them to receive a notice to appear at a formal hearing or appeal in front of a court or administrative agency.

The results of the Nevada Civil Legal Needs Survey found that 12% of survey respondents indicated that they or a household member had court or administrative hearing issues within the past 12 months. 9% of all households had a member who was a party in any kind of civil law case, and 8% of all households had a member who appeared or received notice to attend a formal hearing or appeal [65]. About 5% indicated that they or a household member experienced both types of court and administrative hearing issues.

Figure 12. Percentage of Households Involved in Civil/Administrative Court Proceedings



Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

Key differences among demographic groups were [64]:

- Those ages 18 to 34 (14%), 35 to 54 (15%), or 55 to 59 (14%) were more likely than those ages 60 and over (4%) to indicate that a household member had a problem related to court and administrative hearings.
- 21% of unemployed persons said that a household member experienced an issue with court and administrative hearings, compared to 12% of those employed full-time, 12% of those employed part-time, and 11% of homemakers.
- About 18% of disabled individuals were involved in court or administrative hearings.

The best indicator of the overall magnitude of legal support needs for court and administrative hearings is to analyze the caseloads of civil matters in Nevada’s District Courts and Justice Courts. Table 34 summarizes civil caseloads for the twelve month period from July 1, 2005 to June 30, 2006 for matters not covered in preceding sections of this report; a total of 109,491 such cases were opened during the year. In addition, there were 39,443 housing-related civil cases (see Table 10 in the Housing section of the report) and 59,571 family-related cases (see Table 16 in the Family Issues section), bringing the total civil caseload up to 208,505 [66].

Table 34. Court Caseloads for Civil Cases, Excluding Housing and Family Cases, 7/1/05 – 6/30/06

District	District Courts					Justice Courts		Reopened Cases	Total Civil Cases
	Construction Defect	Torts-Negligence	Torts	Probate	Other Civil	General Civil	Small Claims		
First District: Carson City and Storey County	9	111	15	119	377	2,265	627	9	3,532
Second District: Washoe County	18	735	168	639	1,850	12,871	3,422	403	20,106
Third District: Churchill and Lyon Counties	2	41	14	157	204	770	1,025	22	2,235
Fourth District: Elko County	1	53	13	125	124	654	1,063	347	2,380
Fifth District: Esmeralda, Mineral and Nye Counties	1	36	9	260	144	452	389	7	1,298
Sixth District: Humboldt, Lander and Pershing Counties	0	15	13	79	99	390	758	6	1,360
Seventh District: Eureka, Lincoln and White Pine Counties*	0	4	18	41	64	200	146	2	475
Eighth District: Clark County	81	5,445	565	2,676	10,856	45,495	7,664	4,233	77,015
Ninth District: Douglas County	2	48	13	84	201	405	323	14	1,090
Total	114	6,488	828	4,180	13,919	63,502	15,417	5,043	109,491

*Data for Lincoln, Mineral and White Pine Counties are incomplete.

Definitions for case types listed in the columns above:

- Construction Defect Cases that deal with alleged defects in construction.
- Torts-Negligence Cases that deal with an alleged omission to perform an act or use case to perform an act that causes personal injury, property damage, or wrongful death; includes auto, medical/dental, premises liability, and other negligence tort cases that do not fit into one of the above categories.
- Torts Cases that deal with an alleged injury or wrong committed either against a person or person's property by a party who either did or did not do something they were not or were supposed to do; includes product liability, intentional misconduct, employment and other tort cases that do not fit into one of the above categories.
- Probate Cases that deal with the probate of a will or estate of a deceased person; includes summary administration, general administration, special administration, set asides, probate trusts, and other probate cases that do not fit into one of the above categories.
- Other Civil Cases heard at District Court that include breach of contract, civil petition for judicial review, appeals from lower courts, civil writs, and all other civil matters that do not fit into one of the other categories or case types.
- General Civil Cases heard at Justice Court that deal with recovery of money or damages where the amount does not exceed the limit of \$10,000.
- Small Claims Cases heard at Justice Court that deal with recovery of money or damages where the amount does not exceed the limit of \$5,000.

Source: Annual Report of the Nevada Judiciary: The Work of Nevada's Courts, July 1, 2005 to June 30, 2006.

Assessment of Available Services

Legal Services Available to Persons with Limited Incomes and Special Circumstances

Overview of Nevada Legal Aid Providers

Civil legal aid services exist to varying degrees throughout the state due to differences in available resources, eligibility requirements, and demand. In general, organizations serve target populations and must prioritize client cases because of demand that exceeds resources available. According to many key informants, referral and cooperation between providers is the norm. Each program is aware of other services that are available, and, works to provide referral to another organization if they are not able to serve the needs of a client. However, eligibility requirements and limited resources results in only a fraction of the population able to access direct legal aid. Pro bono services provided by Nevada attorneys also contribute to the availability of legal aid to low income persons in all areas of the state. Pro bono services are often coordinated by legal aid providers. Understanding the demand for legal aid alongside services and available resources provides one perspective of *unmet* need—defined by geography, special groups, and client problem types.

The growing demand for legal aid has resulted in providers devising new solutions to meet need. Self-help or pro se resources have grown in number and in type, to assist thousands statewide. Pro se resources and programs differ greatly in the amount of assistance provided—from divorce forms available online through the Supreme Court of Nevada to clinics staffed by attorneys that assist persons at multiple points throughout a legal process. These programs have grown through the efforts of legal aid providers, through courts, and in some cases, through non-profit organizations providing community services. These programs provide opportunities to persons with limited means, yet, also present challenges to users and the legal system alike.

Table 35. Organizations Providing Legal Aid in Nevada*

Organization Name and Additional Programs	Funding	Eligibility /Service Priorities	Attorney Resources	Client Problems
Boyd Law School, Clinical Studies	Funding through University of Nevada, Las Vegas.	Nearly all clients are low income.	Eight professors are associated with the clinic and supervise cases taken by Boyd Law School students between 2006 and 2007.	Clinics representing persons in areas such as immigration, child welfare, education, juvenile justice and appellate matters.

Organization Name and Additional Programs	Funding	Eligibility /Service Priorities	Attorney Resources	Client Problems
<p>Carson and Rural Elder Law Attorneys (CARE) Law Program</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Coordination of pro bono work 	<p>Donations and grants. This is an independent program of the RSVP.</p>	<p>Provides services to seniors ages 60 and over in rural areas of the state. No court representation.</p>	<p>One attorney who is also the director.</p>	<p>Primary services include wills, estates, advance directives and other needs specific to older adults.</p>
<p>City of Las Vegas Senior Citizens Law Project (SCLP)</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Monthly classes including Ask A Lawyer, Consumer Law, Health Care, Prevention of Elder Abuse • Free weekly estate planning legal seminars offered in Las Vegas. Monthly outreach held in Henderson and Boulder City. Annual seminars presented in Searchlight, Laughlin and Overton. • Homebound visits to bedridden seniors in their homes, hospice centers and hospitals 	<p>Older Americans Act IIIB funds, State of Nevada Independent Living Grant; Filing fees per NRS 19.031, City of Las Vegas General Fund contribution; IOLTA grant funding, State Bar of Nevada grant; NV Community Foundation grant.</p>	<p>Clark County residents 60 years and older.</p>	<p>Four attorneys, one which is also the director.</p>	<p>Primary services include consumer matters, financial matters, debt diversion, pro se legal document preparation landlord/tenant issues, estate planning including preparation of beneficiary deeds, wills and living wills, and durable powers of attorney for health care , Guardian Ad Litem Ct. appointments and prevention of elder abuse.</p>
<p>Clark County Legal Services Program, Inc. (Legal Aid Center of Southern Nevada)</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Community Legal Education Project Classes including Small Claims, Guardianship, Paternity/Custody, Bankruptcy, 	<p>Court filing fees.</p>	<p>Low income residents of Clark County (earning 55% of median income).</p>	<p>A total of twenty-one.</p>	<p>Top services in 2007 included consumer problems, followed by family law, and children's advocacy.</p>

Organization Name and Additional Programs	Funding	Eligibility /Service Priorities	Attorney Resources	Client Problems
<p>Spanish Family Law, and Family Law</p> <ul style="list-style-type: none"> • Pro Bono Project • Ask a Lawyer Program 				
<p>Nevada Disability, Advocacy and Law Center</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Training and advocacy events for legal providers • Information sessions and informational publications • Rural outreach and advocacy 	<p>Federal grants contributions of private citizens.</p>	<p>NDALC may assist individuals who meet the statutory eligibility criteria and whose complaints or problems fall under NDALC’s current service priorities. The program is run statewide and persons from all Nevada counties are eligible.</p>	<p>Four attorneys.</p>	<p>Multiple areas related to advocacy for persons with disabilities.</p>
<p>Nevada Legal Services, Incorporated</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Housing Self-Help Clinic (Las Vegas) • Housing Self-Help Clinic (TMCC) • Clark County Family Self-Help Center (Las Vegas) • Low Income Tax Clinic (Las Vegas) • Tribal Advocacy • CLASS System (statewide except Clark County) • Family Law Self-Help Center 	<p>Legal Service Corporation (LSC); other funds leveraged.</p>	<p>125% of poverty, current grant allows up to 200% of poverty. All counties served.</p>	<p>Thirteen attorneys, one who is also the director.</p>	<p>NLS provides services in multiple areas, including housing, family, consumer, income maintenance, and employment.</p>
<p>Tribal Advocacy (Nevada Legal Services)</p>	<p>Federal (LSC).</p>		<p>Nevada Legal Services (thirteen attorneys for all programs</p>	<p>More than half of all cases in 2006 and 2007 were wills and estates,</p>

Organization Name and Additional Programs	Funding	Eligibility /Service Priorities	Attorney Resources	Client Problems
			and projects statewide).	followed by Indian/Tribal Law.
<p>Volunteer Attorneys for Rural Nevada (VARN) and Domestic Violence Victims Assistance Project (DVVAP)</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Rural Pro Bono Project • Domestic Violence Intake/Safety Planning/Crisis Intervention • Self-Help Divorce Clinic • Lawyer in the Library • Victims of Crime Compensation Program • Confidential Address Program • Domestic Violence Hotline • Resource & Referral Services • Domestic Violence Training 	Grants and Donations.	<p>VARN serves low-income residents in the rural counties.</p> <p>DVVAP serves victims of domestic violence, regardless of income in the rural areas of Nevada, including frontier counties.</p>	<p>VARN has an active panel of over 50 pro bono attorneys.</p> <p>DVVAP has three attorneys on staff, one who is the executive director of VARN.</p>	<p>VARN provides multiple services, in the areas of family law, debt collection, consumer law, wills, probate, landlord/tenant, sealing of records, and real estate matters.</p> <p>DVVAP provides services to victims of domestic violence in the area of family law.</p>
<p>Washoe Legal Services</p> <p><i>Associated Programs</i></p> <ul style="list-style-type: none"> • Debt Collection and Bankruptcy Clinic • Domestic Violence Intake Clinic • Lawyer in the Library program • Washoe County Pro Bono Project 	State and Federal Grants.	Washoe County residents that meet federal poverty level.	Washoe Legal Services currently employs ten attorneys,	Services include consumer, housing and work discrimination, domestic violence, child advocacy, and immigration needs.
Washoe County Senior Law Project	Multiple sources of funding are	Seniors that reside in Washoe	Three attorneys, one who is the	Top services provided include

Organization Name and Additional Programs	Funding	Eligibility /Service Priorities	Attorney Resources	Client Problems
<i>Associated Programs</i> <ul style="list-style-type: none"> • Pro Bono Wills Program: • Advance Directive Clinics • Housing Counseling Program: • Self Help Program • Community Legal Education Seminars 	used, including court filing fees, HUD, Property Tax, Older Americans Act IIIIB funds, Tobacco funds	County.	director.	consumer, housing and miscellaneous (e.g. wills and estates).

**Most organization receive Interest On Lawyer Trust Accounts (IOLTA) administered by the Nevada Law Foundation*

Source: Information from providers and provider publications such as websites and brochures.

In addition to the legal aid providers and associated self-help programs and projects in the previous table, other important resources exist to improve access to legal resources in Nevada. Examples include court-run projects such as Family Self-Help Center in Washoe County. Advocacy services include CASA (Court Appointed Special Advocates in Carson, Douglas, Clark, Elko, Washoe, and White Pine Counties), SAFE (Safe Advocates for Elders) in Washoe County, Education Advocates (in Clark County), and domestic violence advocacy programs throughout the state. A number of nonprofit agencies and other organizations provide support for immigrants, including Catholic Charities of Southern Nevada, the Citizenship Project through Nevada Partners and the Culinary Institute in Las Vegas, and Nevada Hispanic Services. These programs have the potential to enhance the service delivery system for people with limited means, but they typically do not provide individuals with direct legal services. Other resources include law libraries and court information online.

Persons Served by Nevada Programs

All legal service providers collect information about the number of clients served. Additionally, most record the information by the types of service provided and also by the client’s legal issue. Because each organization collects information slightly differently, it is difficult to compare service delivery across organizations and agencies. However, the data that organizations collect can be helpful in understanding collectively needs that are currently being addressed. The data also provide an indication of the number of clients served statewide. Again, because of differences in data collection and reporting, these data should not be compared across organizations but rather as an indicator of total service statewide. It can be estimated that legal aid providers assist over 23,000 Nevadans each year with a variety of civil legal need issues. When compared with the data in the previous section, many more likely need assistance but are unable to access civil legal assistance due to limited resources in the state.

Table 36. Service Measures by Provider

Organization Name and Additional Programs	2007 Cases (unless otherwise indicated)	Matters and Other Types of Assistance
Boyd Law School, Clinical Studies	184 (Cases closed in 2007)	
Carson and Rural Elder Law Attorneys (CARE) Law Program	1,500 (Average clients per year)	
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Coordination of pro bono work 		
City of Las Vegas Senior Citizens Law Project (SCLP)	3,251 unduplicated clients were provided 15,569 various legal services and types of assistance (approximately 4-5 various legal services per client), 26 during homebound visits, 414 during seminars and outreach presentations)	
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Advance Directive Clinics: 731 advance directives were prepared for clients • In Proper Person legal document preparation including Answers, Motions to Set Aside, Name Changes, Sealing Records, Ex Parte Petition and Motion to Transfer Small Estate and Affidavits and Motions Claiming Exemption. • Dissemination of pamphlets with information on probate, buying a car, and car repairs and general legal services during outreach and seminars: 414 seniors were assisted • Preparation of Beneficiary Deeds and estate planning documents: 1,102 • Homesteads, Affidavits Terminating Joint Tenancy and Affidavits of Entitlement • Homebound assistance to seniors' homes, hospice centers and hospital rooms: 26 seniors were visited 		
Clark County Legal Services Program, Inc. (Legal Aid Center of Southern Nevada)	In 2007 CCLS assisted over 11,000 individuals. 3,351 new cases were opened, 3,108 attended classes, 37 received assistance from a bankruptcy facilitator, 1,110 attended <i>Ask a Lawyer</i> , 2,721 used the Consumer Hotline, 34 children were helped with surrogates for	
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Community Legal Education Project Classes including Small Claims, Guardianship, Paternity/Custody, Bankruptcy, Spanish Family Law, and Family Law • Pro Bono Project: 675 total attorneys working on pro bono cases in 2007; 448 new cases were placed with 311 attorneys in 2007. Approximately 13,000 pro bono hours were donated in 2007. • Ask A Lawyer Program 		

Organization Name and Additional Programs	2007 Cases (unless otherwise indicated)	Matters and Other Types of Assistance
	special education, 73 cases were carried over from 2006 (Excludes CAP), and 862 additional children were represented in abuse/neglect (excludes 123 new cases opened with an average of 2 children per case).	
Nevada Disability, Advocacy and Law Center	468	Information and referral to 1,735 clients
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Training and advocacy events for legal providers • Information sessions and informational publications • Rural outreach and advocacy 		
Nevada Legal Services, Incorporated	3,971 cases closed in 2007	See information by program
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Housing Self-Help Clinic (Las Vegas) • Housing Self-Help Clinic (TMCC) • Clark County Self-Help Clinic (Las Vegas) • Low Income Tax Clinic (Las Vegas) • Tribal Advocacy • CLASS System (statewide, except Clark County) <p>1,423 cases closed by CLASS</p> <p>2,100 individuals served at the LITC Clinics</p> <p>53,127 individuals served at the Housing Self-Help Center – LV</p> <p>312 individuals served at the TMCC Center</p> <p>101,233 individuals served at the Family Law Self-Help Center (Las Vegas)</p> <p>70,400 individuals served under Other Matters</p>		
Tribal Advocacy (Nevada Legal Services)	21	
VARN Domestic Violence Victims Assistance Project (DVVAP)	575	
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Direct Legal Representation in Divorce, Child 		

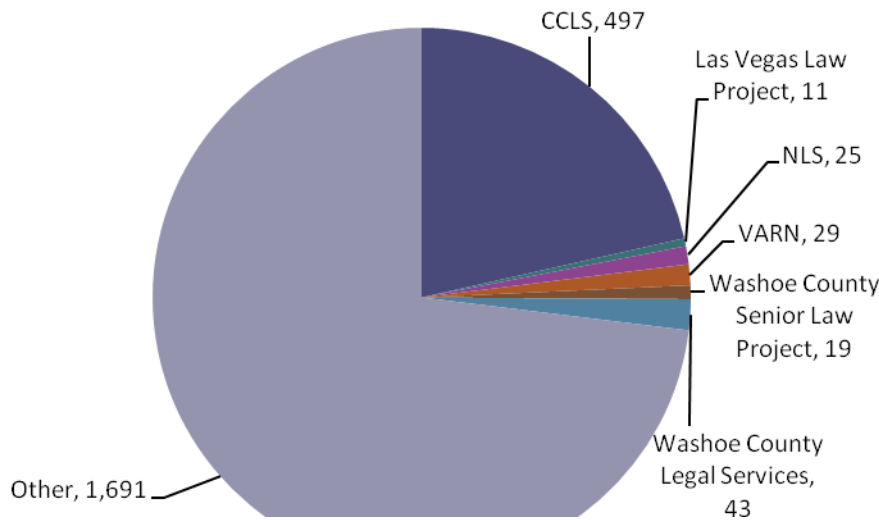
Organization Name and Additional Programs	2007 Cases (unless otherwise indicated)	Matters and Other Types of Assistance
<p>Custody, and Guardianship Matters</p> <ul style="list-style-type: none"> • Direct Legal Representation in the Temporary Protection Order Process • Intake/Safety Planning/Crisis Intervention • Victims of Crime Compensation Program • Confidential Address Program • Hotline • Resource & Referral Services • Training 		
Volunteer Attorneys for Rural Nevada (VARN)	598	
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Rural Pro Bono Project • Self-Help Divorce Clinic • Lawyer in the Library • Resource & Referral Services 		
Washoe Legal Services	8,779 total cases, 7,489 brief services; 725 referrals, 565 provided legal representatives	Associated programs and services served 12,069 individuals
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Debt Collection and Bankruptcy Clinic • Domestic Violence Intake Clinic • Lawyer in the Library Program • Washoe County Pro Bono Project 		
Washoe County Senior Law Project	1,319	900 provided assistance through self help, 800 reached through community education
<i>Associated Programs</i>		
<ul style="list-style-type: none"> • Pro Bono Wills Program: 32 wills in 2007 • Advance Directive Clinics: 135 advance directives through this method in 2007 • Housing Counseling Program: Assistance to 230 clients in 2007 • Self help Program: In 2007 over 900 seniors were given self-help forms accompanied with very brief service • Community Legal Education Seminars: 800 people reached in 2007 		

Source: Information from providers.

Pro Bono Reporting in 2007

Pro bono services are an important component of the legal resources available to persons of limited means within the state. According to self-reporting to the State Bar of Nevada, 38% of all respondents (4,722 of 7,571 attorneys) reported providing direct pro bono services as described in RPC 6.1. Of those reporting hours of pro bono service, an average of 38.3 hours per attorney was provided.⁵ Of attorneys reporting pro bono services, the vast majority (73%) received cases outside of legal aid organizations. Of agencies, Clark County Legal Services had the most participation, with 21% of the statewide total reporting that they received pro bono cases through this organization.

Figure 13. Statewide Pro Bono Services Shown by Organization Providing Case, 2007
(As Reported in April, 2008)



Source: State Bar of Nevada, 2006 Reporting Statistics

State Bar of Nevada members also supported organizations financially. A total of 252 reported contributing money to organizations that provide pro bono services. The total reported was \$109,459 in 2007, or an average of \$434.00 per person. Half of this amount (50% or \$55,060) was provided to the State Bar of Nevada (dues check off). Nearly one-quarter (23%) was provided to Clark County Legal Services, followed by VARN (11%). State Bar of Nevada members provided other types of support, including services at reduced fees, services to organizations that address the needs of persons of limited means, and hours of service improving the law or law related education.

⁵ A total of 2,191 lawyers responding reported 93394.83 hours donated.

Persons Un-served: Indicators by Program

Legal aid providers interviewed reported not being able to meet the client demand for services due to limitations in funding and resources. The number of persons that are not able to be served by the state’s programs is currently not captured, but, some data is available to help quantify demand for legal services within the state.

Several of the providers collect some information by way of a waiting list or count of persons that are turned away for various reasons. Again, because this information is not collected uniformly, a statewide estimate of supply verses demand is not available. However, information by program indicates need as noted in the following examples.

In 2005, Nevada Legal Services conducted a two month study to count the total number of persons that the program is unable to serve and unable to serve fully. Results showed that in two months alone, 10,696 persons were not able to be served by NLS and 1,201 that were not able to be served fully. The vast majority of presenting problems were related to family. Considering that this data was collected for two months only, an extrapolation to 12 months projects that 71,182 persons were not able to access services through Nevada Legal Services in 2005.

Table 37. “Unable to Serve” Two Month Study (Nevada Legal Services)

Categories	Unable to Serve	Unable to Serve Fully	Advice/Brief Services that Resolve the Matter	Extended Service Cases Accepted
Family	10,345	240	194	20
Consumer	97	60	56	5
Employment	67	44	6	1
Housing	48	783	58	53
All Other	139	74	35	15
Total	10,696	1,201	349	94

Source: Nevada Legal Services, Unpublished Data

Another recent data collection effort to measure unmet demand took place in Washoe County. The Washoe County Senior Law project counted four weeks of phone calls and walk in requests that the Washoe County Senior Law Project declined or referred elsewhere. Based on the one month study, the data suggests that annually, demand for services for this office is 5,434 per year in excess of supply. The categories of need most often requested but not able to be served were consumer, family, and housing issues.

In 2007, Washoe Legal Services turned away 1,629 persons with legal problems due to ineligibility. A waiting list for domestic violence clients typically has 25 to 50 persons. Of the approximately 1,000

children in the custody of Washoe County Social Services, one-quarter (250) children are represented by WLS.

The Las Vegas Senior Citizen's Law Project (SCLP) receives approximately 120 calls per day. Of this total, 40 to 50 of those calls are existing clients or new clients requiring an appointment. The remaining 70 calls per day are considered "cold" calls. Of these cold calls, a counselor calls the client back, however, often times their legal issue exceeds SCLP case guidelines and the call is referred to another public legal service provider, the State Bar of Nevada or Nevada Lawyers Referral Program or the Pro Bono Project, if the client is eligible. In addition, approximately 35 clients per week visit the SCLP without an appointment. Of these 35 unscheduled appointments, a small percentage are "emergency" cases which fall under the SCLP's case guidelines and the remaining walk-in clients are given a referral to another resource. These four examples underscore what key informants reported: demand exceeds available resources. Providers make referrals, but the outcomes of these referrals are not known.

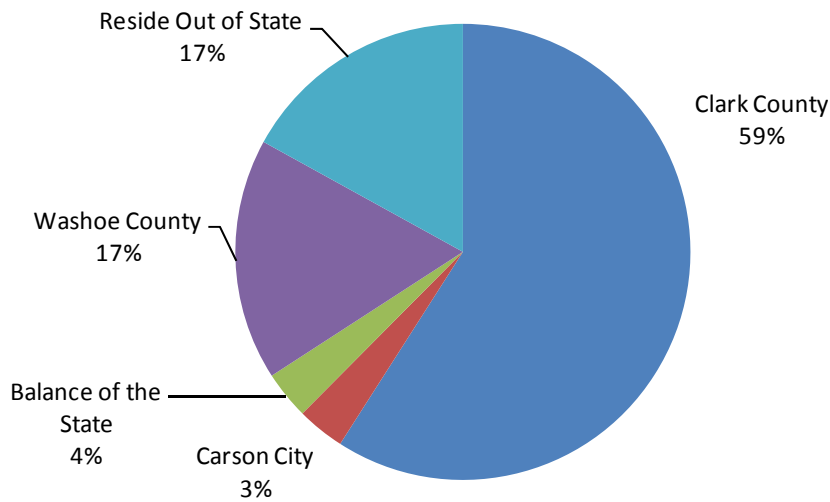
Legal Resources, LSC Funds per Person in Poverty

Nationwide, non-LSC funding sources have been steadily increasing, but LSC funding has not kept up with inflation. LSC funding is less than half of what it was in 1980, when it provided "minimum access" or two lawyers for each 10,000 persons in poverty in a geographic area. To keep up with inflation, total LSC funding for the U.S. would need to be \$704,055,000 (in 2005 dollars). Instead, LSC is funded at \$330,803,705—47% of what it would have been had it kept up with inflation [67].

Nevada Legal Services (NLS) is funded in large part by Legal Services Corporation. LSC provides grants to independent local programs chosen through a system of competition. LSC current funding is based on the poverty population as provided by the decennial Census. In 2006, Nevada received \$1,830,078 in LSC funding based on the 2000 poverty population of 205,685 (Legal Service Corporation). This equals \$6.94 cents per person in poverty. It is also important to note that non-LSC funds are generated within state. In Nevada, approximately 50% to 70% of legal funding is from non-LSC sources [66].

Legal Resources, Attorneys in Nevada

The State Bar of Nevada data system shows that there are a total of 5,997 active members that reside and practice within the state. An additional 1,227 State Bar of Nevada members reside outside of the state. Judges are not included in either of these statistics--a total of 152 judges are active members of the State Bar of Nevada.

Figure 14. Active State Bar of Nevada Members, 2008

Source: State Bar of Nevada, May 13, 2008

One way of estimating relative need is by comparing the number of attorneys by area to the total population. These statistics provide one measure to compare resources between states, between counties, and cities. Comparing Nevada to other states, one source shows that Nevada ranks 16th, and therefore has more attorneys per capita than many other states in the nation [68].

Within the state, Carson City has the most attorneys per person. This is likely influenced by the position of Carson as the capital of the state. The fewest legal resources are available for the Balance of State (all counties besides Clark, Washoe, and Carson). In the following table, an estimate of the ratio of persons per attorney is shown. Counties with lower numbers have more legal resources per person; counties with higher numbers have fewer legal resources per person. Based on this analysis, there is more than twice the number of persons in poverty per attorney in the balance of state compared to the Nevada as a whole. The table also shows an estimated ratio of persons in poverty to legal aid providers. All known legal aid providers in Carson provide service to the rural counties. For this reason, legal aid providers in Carson (6) were used to create a combined estimate for Carson and the balance of state. The ratio for the combined areas is 5,256 persons living in poverty per legal service attorney (5,256:1). Data presented previously and validated through focus groups and key informant interviews indicates that a large number of individuals who exceed Federal Poverty Guidelines (up to 300% of FPG) also need civil legal assistance.

Table 38. Total Attorneys by County and Ratios of Persons per Attorney Resource

	Total Number of Attorneys ⁶	Total Population to Nevada Attorneys ⁷	Ratio of Persons in Poverty Population to Nevada Attorneys ⁸	Total Number of Legal Aid Attorneys	Ratio of Persons in Poverty to Legal Service Providers ⁹
Clark County	4,264	401	45	35	5,495
Washoe County	1,237	316	32	15	2,645
Carson City	245	227	23	6	*
Balance of State (All Counties Except Clark, Carson, and Washoe)	246	1,031	105		*
Reside Out of State	1,227*	--	--		--
Total	5,997 (*7,219 including those that reside out of state)	402	--	56	4,706

*The ratio for the combined areas is 5,256 persons per legal service attorney.

Source: State Bar of Nevada, May 13, 2008

The organizations that provide legal services in Nevada have staff attorneys located in three counties, Washoe, Clark, and Carson.¹⁰ The rural and frontier counties in the Balance of State receive legal aid through offices in Washoe, Clark and Carson. In the map below, 400 persons in poverty are represented by each blue dot.¹¹ The numbers of attorneys that provide services in Nevada are represented by a proportional symbol (L).¹² Only a portion of these attorneys based in Washoe, Clark or Carson serve the Balance of State.

⁶ Active Members of the State Bar of Nevada that reside in-state

⁷ 2005 Census Population / 2008 Active Members of the State Bar of Nevada that reside in-state

⁸ 2005 Census Persons in Poverty (SAIPE) / 2008 Active Members of the State Bar of Nevada that reside in-state

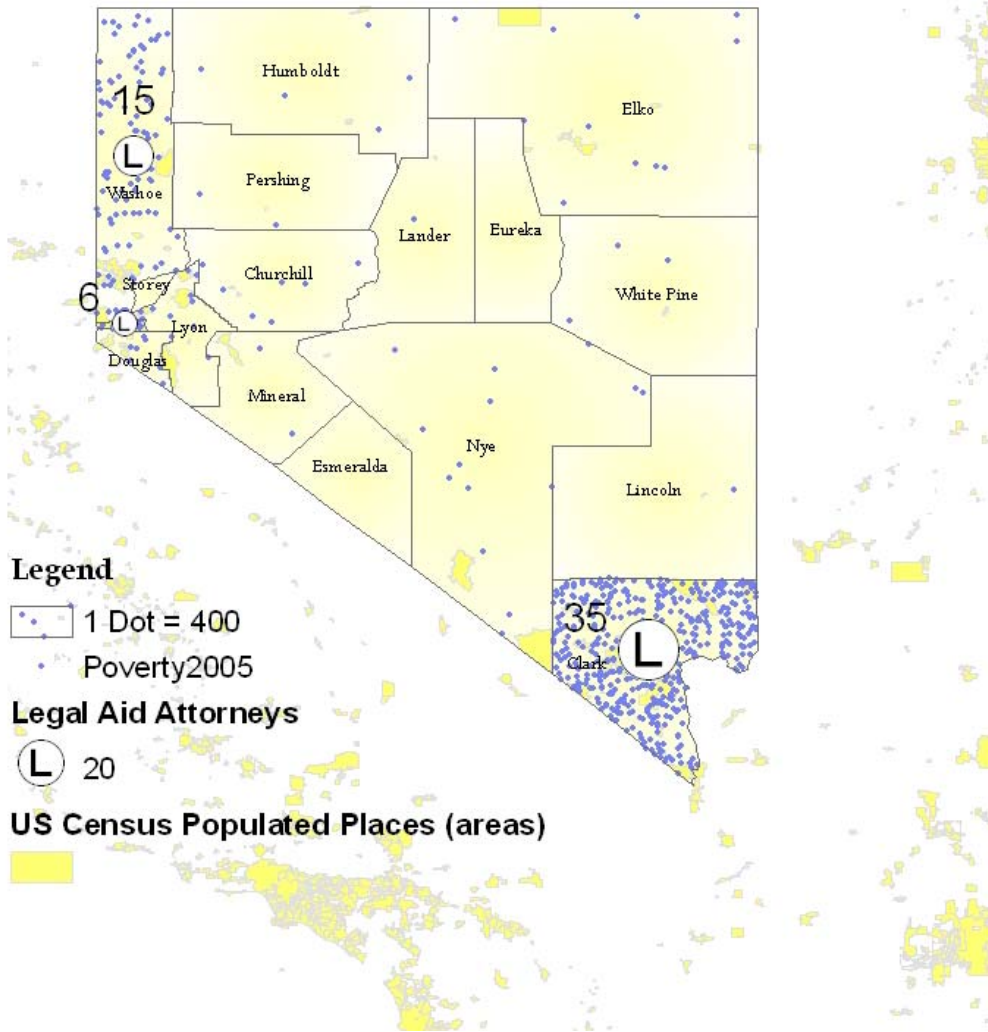
⁹ 2005 Census Persons in Poverty (SAIPE) / 2008 Legal Service Provider Attorneys

¹⁰ Nevada Legal Services also has an office in Elko, but is not staffed with an attorney so is not shown on the map.

¹¹ Note that dots are randomly placed within each county boundary. US Census populated places (dark yellow polygons) show the population centers within each county. Populations are concentrated within these areas, with low population densities in the other areas.

¹² The (L) symbol is shown on the map in central Washoe, but, it should be noted that all providers are located in Reno, in the south of the county.

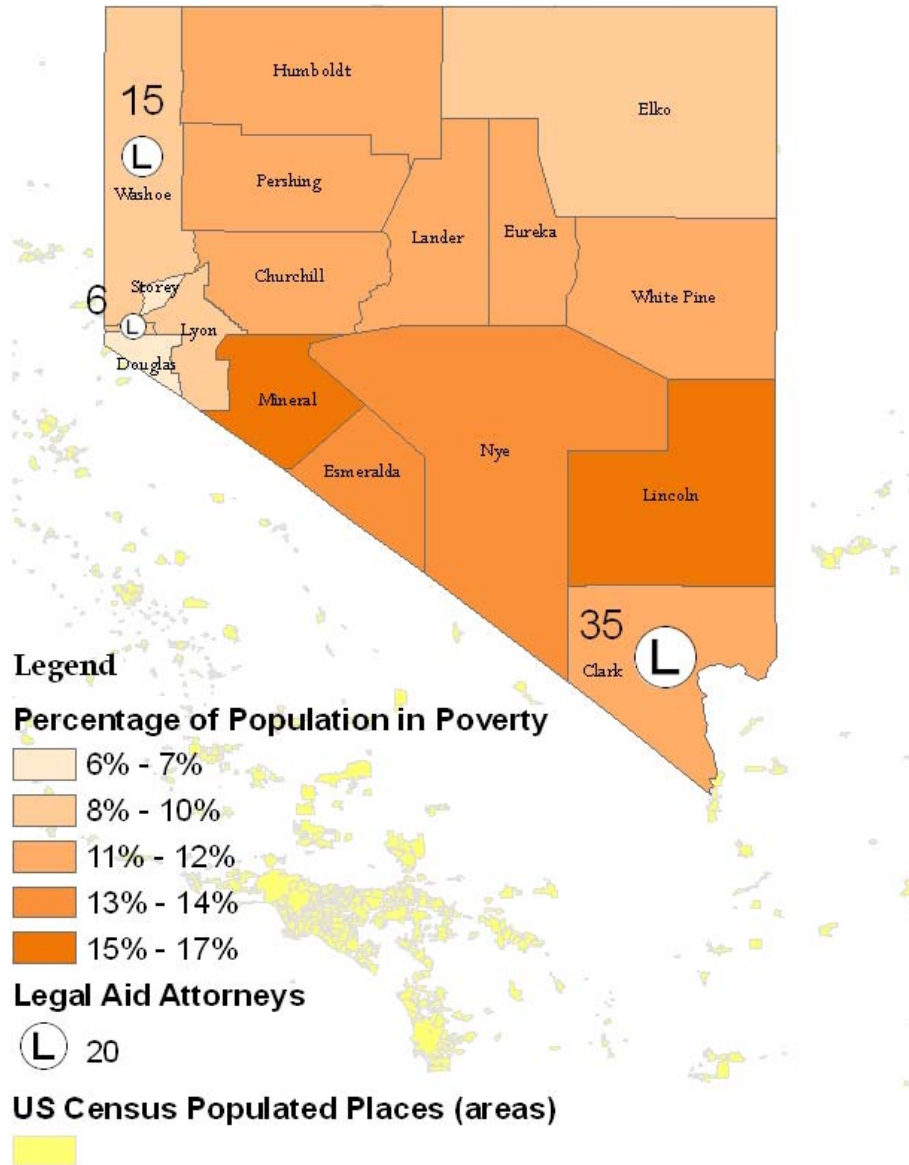
Figure 15. Legal Service Attorneys and Persons in Poverty in Nevada



Source: Analysis of Information from Providers and US Census SAIPE Estimates

Poverty varies among counties within the state. The highest rates of poverty are in Mineral County and Lincoln County, and lowest rates are in Douglas and Storey County.

Figure 16. Legal Service Attorneys and Counties with Highest Concentrations of Poverty

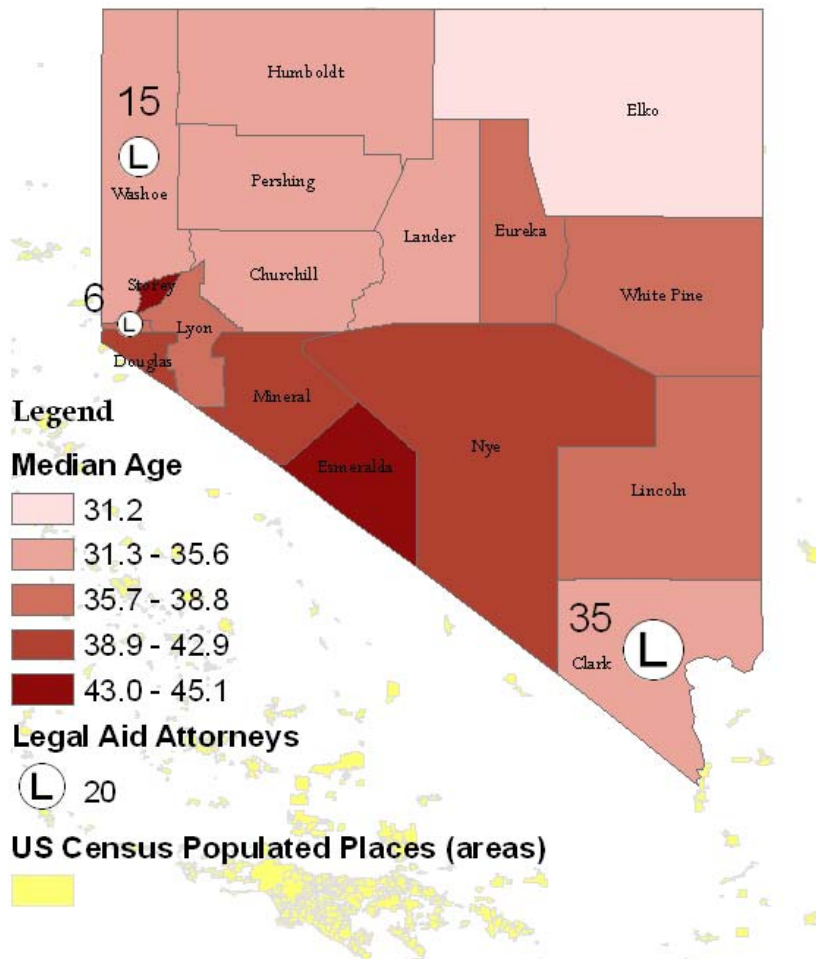


Source: Analysis of Information from Providers and US Census SAIPE Estimates

Counties in Nevada also vary greatly by age composition. In the following map, the median age, or age for which half of the population is above and half is below, is shown by color. The county with the youngest population as a whole is Elko. The median age is greatest (with the oldest population) in Storey and Esmeralda counties. The age composition of counties in Nevada is influenced by several factors. These may include the economic base and employment opportunities. In communities where work is available,

younger adults and families migrate, and larger proportion of older adults that lack mobility remain [69]. Other important trends in Nevada include the in-migration of retirement-age adults from other states to the urban areas of Reno/Sparks and Las Vegas.

Figure 17. Legal Service Providers and County Median Age



Source: Analysis of Information from Providers and US Census Data

Cost Benefit of Providing Legal Resources

It is difficult to calculate the benefit of providing access to justice, given that most persons report multiple legal needs that have an economic ripple effect. To assess the benefit of a lawyer for a divorce, plus to add child custody and a financial matter would require determining the cost of services compared with savings from securing child support, preventing bankruptcy and potentially avoiding eviction or homelessness. While real cost savings are not currently available, it is clear that investing in access to civil legal justice services reduces the burden placed on all other resources that are accessed in a crisis.

As noted in a New York Times Editorial, “Here’s another way the rich are different from the poor: They have lawyers. Poor people can count on legal aid in criminal cases, but in civil proceedings — battles with landlords, employers, government bureaucracies — justice costs money, which means lots of people have to do without it. The benefits are widespread, since each dollar for legal assistance saves many that would be spent on other social services. People unfairly rejected for Medicaid wind up in emergency rooms. Families that can’t fight unfair evictions end up in homeless shelters [70].”

A review of literature included in Maine’s Justice for All report provided a summary of the economic benefits of providing access to justice. It noted that while dated, a 1990 report from the New York City Department of Social Services evaluated an eviction prevention program and found that providing lawyers to represent the indigent resulted in the savings of approximately \$4 for every dollar of cost. It also referenced studies by economists from Colgate University and the University of Arkansas that concluded that access to legal services resulted in a decrease in the incidence of domestic violence and its related costs. Further, in 2003, Minnesota Legal Aid reported that when appropriate legal assistance was available, many cases were settled without litigation or were deemed to lack merit, which generative \$5.1 million in savings related to court time [71, 72].

A Fact Sheet from Massachusetts noted that funding civil legal aid saved the Commonwealth money. It indicated that by representing people with disabilities in their applications for federal disability benefits (SSI and SSDI), legal aid brought millions into the Commonwealth. By successfully pursuing child support, alimony, equitable property settlements and health insurance coverage for domestic violence victims and their children, legal aid allowed families to live free of their abusers and reduced the need for state support. Finally, by representing low-income elders and people with disabilities whose claims for Medicare coverage have been unfairly denied, legal aid improved the well-being of the Commonwealth’s residents and saved the state from paying high medical costs for which it would otherwise be liable [73].

Analysis of Gaps and Priorities

Failure to provide equal access to justice has significant social and economic implications for Nevada. While it is largely accepted that access to justice is a public responsibility, it also requires a commitment of resources. As noted previously, in Nevada, those resources are woefully inadequate. The lack of investment in providing access to justice costs all citizens both economically and socially in the long term. The telephone survey showed that, “20% of those with one or more legal problems received help from a lawyer for at least one but not all of the legal problems they identified. Many of those who asked for help did not receive help from a lawyer [74].” It also found that persons who were represented by a lawyer were significantly more satisfied with the outcome.

As noted in the Kroupa report, the telephone survey indicated that;

“over two-thirds of low to moderately low income households experience significant civil legal problems that would ordinarily require at least some assistance from an attorney in order to resolve them. Not surprisingly, the incidence and prevalence of problems are highest among those with children and younger individuals ages 18 to 34. Topping the list of civil legal problem categories most frequently mentioned is personal finances related to taxes, creditors, bankruptcy, contracts, purchases, loans, and utilities. Overall, the incidence of problems averages 2.4 categories of legal needs per household among those who reported a civil legal problem in the household [73].”

The survey report went on to note that:

“A free legal aid office is the preferred method that residents would use to get help for civil legal problems. However, most households reported that they would be willing to pay a reduced fee to get professional legal assistance. Less than one-third are aware of legal services for people who cannot afford a lawyer or other types of assistance that are available to them. Less than one-half were satisfied with how some types of problems were resolved. As a result, there is both a need and an opportunity for all the stakeholders in our justice system, including the State Bar of Nevada, to make a meaningful difference in the quality of life for the state’s low to moderately low income residents by providing them with greater access to the civil justice system [73].”

Most households that experienced a legal problem or issue did not receive help from a lawyer for that problem. As a group, 9% received help from a lawyer for all the problems they identified. Many of those who asked for help did not receive help from a lawyer. For example, while 28% of those with employment-related legal problems asked for help, only 16% received help from a lawyer [73].

Another source for information about gaps in legal services is the Nevada 2-1-1 system. Nevada 2-1-1 is an 800 number providing information about human services statewide. It began taking calls for assistance in February 2006. In testimony provided to the Legislature in April 2007, Nevada 2-1-1 representatives noted that in a four month period, they fielded 19,979 calls. Clark County residents accounted for 74% of the calls with Washoe County, Carson and the Balance of State accounting for the remaining 26%.

According to their testimony, the highest number of referrals were for basic needs with rent and utilities assistance, followed by requests for legal services, assistance with taxes, food, emergency home repair for seniors and disabled persons, shelter and support for homeless families and application assistance for Nevada Check-up and Medicaid.

From January 2007 to December 2007 there were 42,478 total 2-1-1 referrals made to individuals throughout Nevada. The top eight types of referrals made consisted of 47.5% for Basic Needs, followed by 8.2% for Health Care, 7.2% for Utility Assistance, 4.8% for Rental Assistance, then 4.1% for Food or Food Stamps, 3.9% for Criminal Justice & Legal Services, 3.8% for Income Support & Employment, and lastly 3.6% for Mental Health Care & Counseling.

Table 39: Nevada 211 Total Referrals by Needs Category, January 2007 to December 2007

Needs Category	Amount of Referrals	Percent of Total
Basic Needs	20,215	47.5%
Health Care	3,497	8.2%
Utility Assistance	3,050	7.2%
Rental Assistance	2,033	4.8%
Food - Food Stamps	1,743	4.1%
Criminal Justice & Legal Services	1,667*	3.9%
Income Support & Employment	1,620	3.8%
Mental Health Care & Counseling	1,508	3.6%
Medical Assistance	1,081	2.5%
Individual & Family Life	875*	2.1%
Homeless Services	684	1.6%
Senior Services	655	1.5%
Legal Doc - ID	466*	1.1%
Transportation - Tokens - Voucher	450	1.1%
Education	448	1.1%
Disabled - Handicapped	391*	1%
Consumer Services	390*	1%*
Emergency Shelter	317	Less than 1%
Dental / Vision	282	Less than 1%
Organizational / Community / International Services	281	Less than 1%
Substance Abuse	199	Less than 1%
Insurance Coverage	194*	Less than 1%
Environmental Quality	172	Less than 1%
Target Populations	147	Less than 1%
Weatherization - Home Repairs or Home Modifications	113	Less than 1%
Total Referrals in 2007	42,478	

Source: Nevada 211, 2008

The specific types of referrals made during 2007 can be utilized to understand the civil legal needs of Nevadans. Specifically, these types of referrals were for Criminal Justice & Legal Services (3.9%), Individual & Family Life (2.1%), Legal Documentation & ID (1.1%), Disabled-Handicapped (1%), Consumer Services (1%) and referrals for insurance coverage (less than 1%). In total, these referrals represented approximately 10% of all referrals, or 3,983 individual referrals, for 2007. See the table below for details.

Table 40: Number and Percentage of Individual Referrals by Type of Service That Are Relevant To Civil Legal Needs, 2007

Needs Category	Total Number of Referrals for 2007	Percentage of Total Referrals for 2007
Criminal Justice & Legal Services	1,667	3.9%
Individual & Family Life	875	2.1%
Legal Doc - ID	466	1.1%
Disabled - Handicapped	391	1%
Consumer Services	390	1%
Insurance Coverage	194	Less than 1%
Total Number of Individual Referrals That Are Relevant to Civil Legal Needs	3,983	10%

Source: Nevada 211, 2008

A number of factors listed previously all impact the gaps and priorities for Nevada and correspond with the telephone survey results. They include:

- Nevada’s geographic expanse with rural, urban and frontier counties poses a challenge in providing legal services as it is expensive to maintain offices in locations with small population centers,
- Nevada’s population growth over the past 10 years, coupled with a dramatic shift in the demographics of Nevada’s residents impacts service delivery. With more seniors including those ages 75 and over, a growing immigrant population and a growing number of homeless individuals and families, the demand on the legal system will only continue to increase,
- Nevadans in search of assistance, particularly in the area of family law continues to grow. Only a small portion of parties in these cases are represented by a lawyer.

Generally, anyone unable to pay for an attorney must navigate the legal system on their own. This affects both the quality of the justice they achieve and the ability of the court personnel to provide services in a timely manner. Recently, in a report to the 2007 legislature a Supreme Court of Nevada Report noted,

“Based upon a "disposition per justice" ratio, the Nevada Supreme Court has a substantially higher caseload than all other states without intermediate appellate courts. Unreasonable caseloads and limited resources often result in a less than desirable standard of service for those who use our

courts. For example, parties involved in a case may have to wait for months, or even years, before a decision is rendered. An overloaded court may have no choice but to reduce the number of written opinions and/or use "short form" orders which provide a summary of the decision. Short form orders are inadequate when they do not provide the parties with a clear explanation of the reasoning for a decision [73].”

Key Informant and Focus Group Results

Key informant interviews and focus groups provided considerable context for understanding how an insufficient civil justice system is experienced on a day to day basis. Participants described Nevada's civil legal system as a patchwork of resources with pockets of unmet need. Because of the scarcity of resources, there are groups experiencing a lack of access either due to their geographic location, not meeting eligibility requirements or because no funding is available to serve a particular type of legal need. LSC providers have different funders and therefore different mandates and priorities.

When Nevadans experience civil legal needs, focus groups and key informants report that their experience will vary dependent upon differences statewide in how the court system operates, how, when and if representation is provided, and how law enforcement views and acts upon various orders. While federal funding is provided to serve the entire state, with the geographic makeup of Nevada, it is virtually impossible to serve the civil legal needs of Nevadans statewide with the current level of funding. In Northern and Southern Nevada, those interviewed indicated they often learned about services by word of mouth or through a court or social service referral. Those interviewed reported receiving some level of assistance, usually beginning with information, kits or forms and in some cases culminating in representation by a lawyer. Rural focus group participants and key informants noted less awareness and availability of services to meet their civil legal needs and more often did not report receiving representation.

Nevada’s current system is seen by some providers as crisis driven rather than prevention and intervention oriented which could be a better use of the available resources. In terms of prevention, interviewees reported that more information is needed by the general public regarding the legal system and legal process in general to have realistic expectations about how the system works, how much time it takes to resolve a civil legal need and what the potential outcomes are.

Prevention activities are stunted by the fact that to educate the public about the system includes education about low cost services. All providers interviewed expressed trepidation about publicizing the availability of services which are insufficient to meet current demand. This reluctance to flood a system that is already drowning in clients is understandable. At the same time, key informants note that without intervention, the system will remain crisis oriented, rather than allowing opportunities statewide to prevent and intervene before a legal matter becomes a crisis.

Prevention and intervention is seen as a gap which to be addressed would require that Nevada invest in resources to allow the civil legal assistance system to intervene at the earliest moment possible by using content experts and the social service delivery system coupled with more attorneys statewide. Civil legal need experts in Nevada noted that a true continuum of services is needed statewide to ensure that regardless of the civil legal need, or where someone lives, that some assistance is available.

Strengthening the continuum of services could include

ensuring statewide access to information and forms, kits for certain types of legal needs, classes, one on one coaching related to forms, access to a paralegal or person who can manage the navigation of the system and access to an attorney.

As has been noted in a number of national and state studies, as well as in Nevada’s telephone survey, when clients have at one legal issue, they often have several at the same time. For example, a person that seeks help for a family related issue is also likely to be experiencing other civil legal problems such as debt collection, problems with employment, or housing. This can impact their ability to address any of their legal issues. Also, it was common for individuals with immigration issues to be experiencing issues of domestic violence, divorce and child custody, employment discrimination, and a myriad of housing issues.

Gaps in services include:

- Insufficient number of low or no cost lawyers to address civil legal need cases (Washoe County, Clark County and the Balance of State)
- Insufficient specialty clinics to address family and consumer cases (Washoe County, Clark County and the Balance of State)
- Insufficient pro bono attorneys including those with expertise in specific areas of civil legal need including financial, housing and family law (Washoe County, Clark County and the Balance of State)
- Inability to address immigration issues (Washoe County, Clark County and the Balance of State)
- Unavailability of classes in Washoe County and the Balance of State for financial and family matters
- Lack of services and legal representation options in the Balance of State
- Need for lower cost mediation options for all types of legal needs
- Need for expanded self-help services with support
- Need for increased education and awareness about civil legal needs and options to address the needs
- Need for improved coordination between social and legal services to address ancillary issues that impact legal needs and that may become a secondary legal need

“The burden is on the victim to advocate for themselves. I have asked to be notified when my abuser is bailed out. Three times, he has bailed out and no one called. I called the court and they said, we don’t even communicate with each other (law enforcement and court).” Focus Group Participant

Overarching Findings by Geography

While individuals and providers each have unique perspectives about the gaps and unmet needs across Nevada, some themes did emerge by geographic area.

Table 41. Self Reported Top Unmet Legal Needs in Nevada, 2008

Clark County	Washoe County	Balance of State
Financial	Financial	Financial
Family	Domestic Violence	Family
Benefits	Child Advocacy	Benefits
Immigration	Immigration	Immigration
	Benefits	Housing

Source: Key Informant interviews with legal service providers in Clark and Washoe Counties and Balance of State.

Providers report that the need for assistance is overwhelming, yet there is a lack of resources to assist persons that need it. Pro-se assistance and clinics have helped some people in some Balance of State areas, but there are many that need direct legal representation and are not able to access it. All providers report that family issues are complex, often including issues of child custody, support orders, and allegations of domestic violence, substance abuse, or both. These complicated cases require legal representation for both sides. In many cases, persons seeking assistance may have limited literacy and computer skills, making pro-se forms impossible without assistance.

Clark County

The three main issues currently being addressed by Clark County Legal Services are financial, family and benefits, with financial and housing needs tending to go together. Most people with a financial issue have more than one financial issue to address. Another cluster of problems is the link between family law, financial and transportation needs. Other unmet needs include family, consumer and abuse and neglect, divorce and bankruptcy. There is a lack of funding for immigration which is reported by providers to be the largest completely unmet need.

There is also a concern for the number of seniors who may have legal needs that they have not yet identified and which are not being met.

There is a great opportunity to do more specialty work particularly in the areas of immigration, family law, consumer issues including cars, debt buyers and garnishments. Family law is an unmet need as Clark County Legal Services estimates they are meeting half of the need. CCLS reports that their pro bono waiting list ranges from 30 to 90 days.

Washoe County

The top civil legal needs as identified by the service providers in Washoe County are financial, child advocacy, domestic violence and immigration.

Additionally, there is a need for case management and coordination of community based services, drug and alcohol rehabilitation, employment and vocational training, and continuing education.

“There is a need for a liaison between senior renters and landlords. Seniors have different needs and can be easily exploited. We need an advocate.” Legal Aid Provider

Employment and housing needs are almost always referred out to private attorneys or other non-legal organizations such as the State’s Labor Department or Silver State Housing, to avoid duplication of services and because employment cases may result in monetary awards, which makes it easier to obtain legal representation.

The main housing issues that Washoe Legal Services works with include landlord “lock-outs” of residents or getting deposit back in case of foreclosure.

Balance of State

The top issue described by legal providers in the Balance of State was related to family law.

Legal Services Corporation is restricted in its service by legal status of clients. For Legal Services Corporation in Elko area, the number one provision of services is for disability claims. LSC reports the top unmet civil legal needs are family, including custody and divorce, housing, and benefits (mental health, physical/developmental, Medicaid, SSI).

From the point of view of service providers who participated in a focus group, the top unmet civil legal needs are: housing (unsafe housing, raising rent without notification, discrimination), benefits (getting eligible benefits from State, especially mental, physical/developmental health benefits, SSI), finance (credit card debt, garnishment, predatory loans) and immigration.

Providing civil legal justice to people statewide means providing greater resources statewide, including counties with small population bases. Several solutions to address problems associated geographic isolation have been identified within frontier counties but cannot be implemented due to the lack of financial and political support. Rural and frontier counties need greater resources and control over the resources to craft custom solutions to promote access based on their unique needs and assets.

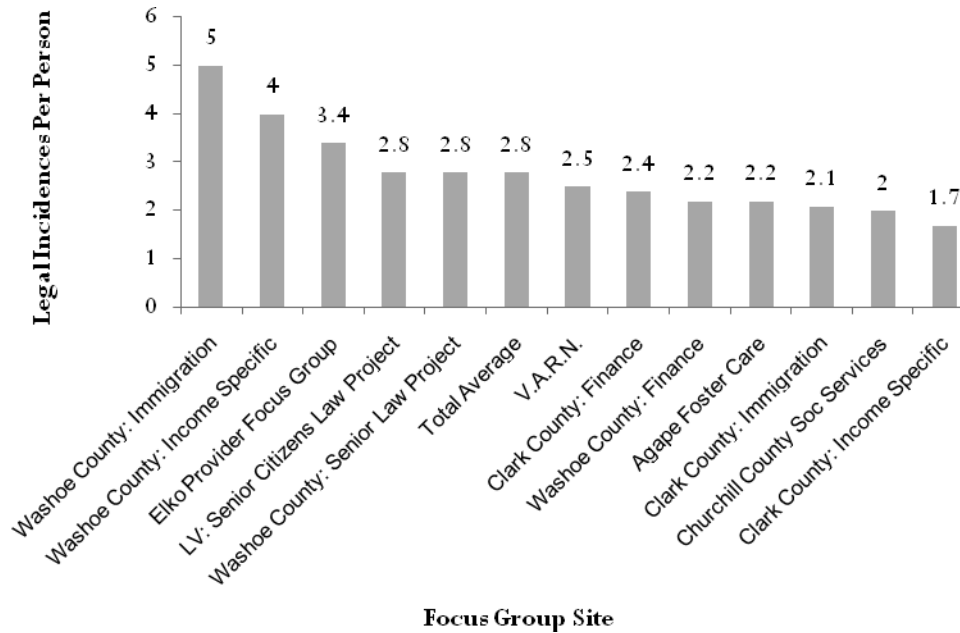
Focus group members were largely unaware of any discounted civil legal services available anywhere in the Balance of State. In keeping with the telephone survey results, most focus group members were not aware that many of their experiences warranted civil legal intervention.

Type of Needs by Focus Group

Utilizing focus group response data, the number of civil legal needs per person by focus group site indicates several differences. Participants in the Washoe County immigration and income specific focus groups have higher rates of civil legal needs than other focus group participants. Second, seniors have a higher than

average number of civil legal needs per person than other focus group participants. Third, Elko focus group participants noted higher than average civil legal needs per person.

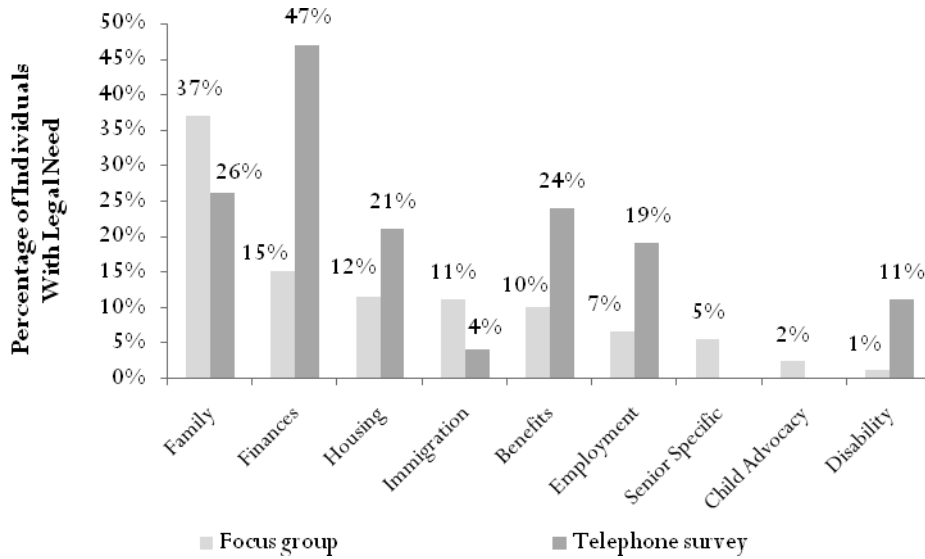
Figure 18. Number of Civil Legal Needs per Person by Focus Group Site



Source: Focus Group Data

Utilizing focus group response data to examine the total incidences of specific types of civil legal needs, there are number of trends of note. First, for all focus groups family civil legal needs constituted 37% of all focus group responses, followed by financial (15%), housing (11.5%), and immigration (11%) civil legal needs. Second, there are slight differences in the prevalence of specific types of civil legal needs between the telephone survey and focus groups. For example, whereas focus group results indicate that family, finance, housing, and immigration civil legal needs are the most prevalent, in the telephone survey finances, family, benefits, and housing were the most prevalent civil legal needs. In general family, finance, and housing civil legal needs were the most prevalent across both focus group and telephone survey results. Immigration needs were only identified in the small format focus groups. This supports the assumption that persons were less likely to identify immigration as an issue during the telephone survey.

Figure 19. Total Percentage of Types of Civil Legal Needs



Source: Focus Groups and Phase 1 Telephone Survey

Table 42. Focus Group Site by Prevalence Types of Civil Legal Issue and Average Number of Civil Legal Issues Per Person

Focus Group Site and Legal Issue	Finances (bankruptcy, pay-day loans, credit card debt, medical, car loan, etc)	Family (divorce, child custody, child support)	Domestic Violence	Child Advocacy	Benefits	Housing (including unsafe housing, eviction, discrimination, foreclosure)	Employment (including getting work permit, not being paid by employer, illegal firing, discrimination)	Disability	Immigration	Senior specific (advanced directive, living will, guardianship, wills)	Avg. # of Civil Legal Issues per person
Clark County Legal Services: <i>Immigration</i>	1/7	6/7	3/7						5/7		2.1
Washoe Legal Services: <i>Immigration</i>		12/9	7/9			5/9	12/9		9/9		5
Clark County Legal	10/8	4/8	1/8			4/8					2.4

Focus Group Site and Legal Issue	Finances (bankruptcy, pay-day loans, credit card debt, medical, car loan, etc)	Family (divorce, child custody, child support)	Domestic Violence	Child Advocacy	Benefits	Housing (including unsafe housing, eviction, discrimination, foreclosure)	Employment (including getting work permit, not being paid by employer, illegal firing, discrimination)	Disability	Immigration	Senior specific (advanced directive, living will, guardianship, wills)	Avg. # of Civil Legal Issues per person
Services: Finance											
Washoe Legal Services: <i>Finance</i>		15/13	7/13		1/13	1/13	2/13		2/13		2.2
Clark County Legal Services: <i>Income specific; 100%-300% FPL</i>	8/9	1/9			3/9	2/9		1/9			1.7
Washoe Legal Services: <i>Income specific; 100%-300% FPL</i>		14/7	7/7						7/7		4
Las Vegas Senior Citizens Law Project	5/6				1/6	1/6				10/6	2.8
Washoe County Senior Law Project	4/6	1/6			3/6	5/6				4/6	2.8
VARN (Volunteer Attorneys of Rural Nevada), individuals from Carson and Douglas counties		7/4	2/4		1/4						2.5
Agape foster care group home, Las Vegas				6/6	6/6				1/6		2.2
Elko Provider Focus Group at Nevada Disability Advocacy & Law Center	4/8	8/8			7/8	8/8			4/8		3.4
Fallon Focus Group at Churchill County Department of Social Services	7/8	1/8	2/8		3/8	4/8	3/8	3/8			2
Total incidences from focus group for each type of civil legal need	39	69	29	6	25	30	17	4	28	14	2.8

Gaps in the State System for Civil Legal Needs

The American Bar Association has adopted principles of a state system for the delivery of services to address civil legal needs [75]. When compared to the principles, there are gaps in Nevada’s system. It should be noted that a holistic approach is needed to create such a system. It cannot be accomplished simply by asking providers to do more, nor solely by increasing resources although that is certainly indicated. Areas where a gap exists between the optimal system and the current day system include the following:

1. Provide services to the low-income and vulnerable populations in the state.

Nevada’s system provides civil legal services to a fraction of low-income people and others who face financial or other barriers to access to justice. In addition, it does not sufficiently serve those who cannot be served through federally funded programs for reasons such as their income level or immigration status.

2. Provide a full range of services in all forums.

Nevada is able to offer a full range of services in some geographic areas but lacks the resources to provide a full range of services in all geographic areas in all forums. There are insufficient resources to provide the full range of information about legal rights and responsibilities; options for services; outreach and community legal education; legal advice and brief services; support and assistance for individuals capable of representing themselves; representation in negotiation and alternative dispute resolution; transactional assistance; representation in administrative and judicial proceedings; extended representation in complex litigation and on systemic issues; and representation before state and local legislative and administrative bodies that make laws or policies affecting low-income and vulnerable people. Many services providers offer many of the listed services but cannot offer a full range in all forums.

3. Provide services in sufficient quantity to meet the need by seeking and making the most effective use of financial, volunteer, and in-kind resources dedicated to those services.

Nevada has some resources but is currently unable to provide the quantity of services necessary to meet the legal needs of the low-income and other vulnerable populations who cannot afford representation. Specifically the state requires more financial, volunteer and in-kind resources. In addition, there are geographic differences in the ability to access and implement such resources in parts of the state that lack the infrastructure to deploy such a system.

4. Fully engage all entities and individuals involved in the provision of those services.

The state’s system for the delivery of civil legal aid engages in the delivery of civil legal aid services all those who are involved in the provision of law-related services, including legal aid providers, private attorneys (working pro bono or for compensation), court personnel, law school clinics, human services agencies, paralegals, advocates and other public and private individuals and entities that provide legal services to low-income and other vulnerable people who cannot afford counsel in the state. However, engaging more

private attorneys and using court personnel and social service providers in new ways could expand access to justice.

5. Make services fully accessible and uniformly available throughout the state.

The ability of low-income and vulnerable people to obtain civil legal assistance consistent with these principles currently depends on where someone resides in the state.

5. Engage with clients and populations eligible for civil legal aid services in planning and in obtaining meaningful information about their legal needs, and treats clients, applicants and those receiving services with dignity and respect.

The service delivery system, as described by focus group participants, does not always treat clients and others who receive civil legal services with dignity and respect. Services, when available, are for the most part delivered in a culturally competent manner but more Spanish language services are needed.

Priority Needs and Goals

It is no surprise the overarching need identified by the needs assessment is to secure adequate resources to ensure access to civil justice in Nevada. On the path to achieving that goal, priority needs evidenced by the assessment are outlined below, along with recommended Commission goals to begin addressing those needs:

- Insufficient resources to meet the civil legal needs of Nevadans.

Goal: Increase funding to ensure a continuum of care for civil justice in Nevada.

- Increase revenue through higher IOLTA yields.
- Explore and evaluate fund development options and select strategies to increase resources to meet civil legal needs in Nevada.
- Develop a statewide fundraising plan including a catalogue of planned events

- Insufficient components of the continuum of care of civil legal aid services in Nevada.

Goal: Develop components of the continuum of care by geographic area.

- Utilize a mix of legal support strategies to include self-help, brief service, counsel and advice, and representation to maximize reach with the resources available
- Secure and designate resources to address unmet needs related to immigration
- Establish more specialty clinics/classes
- Secure additional funding for more staff for current legal service providers and to support additional services such as classes and clinics statewide

- Increase the number of lawyers working for legal aid providers
- Establish more and increase the capacity of existing self-help centers
- Continue efforts to add and expand a law lecture series, consider new audiences and resources. Define goals and objectives of the series
- Expand State Bar of Nevada website devoted to Access to Justice to function as resource center for both the Commission and the public

- Insufficient pro bono resources including those with expertise in specific areas of civil legal need.

Goal: Increase the pro-bono options and number of attorneys providing pro-bono services throughout the state.

- Increase the options and manner in which attorneys provide services to low-income persons living in Nevada, including pro bono services, matching their interest and ability with unmet need, including areas of specialty
- Increase number of pro bono attorneys
- Concentrate on increasing pro bono lawyers in specific specialty areas of unmet need as articulated in the needs assessment
- Increase law school clinics/pro bono service programs
- Develop a comprehensive plan to solicit participation in the emeritus attorney program established by new Nevada Supreme Court Rule 49.2

- Insufficient education and awareness about civil legal needs.

Goal: Increase awareness and support for more legal aid attorneys, the need for additional resources and information on the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance
- Increase outreach and education to private attorneys to raise awareness of civil legal needs, the lack of access to justice in Nevada and ways they can contribute to improving access to justice
- Establish a public education program targeting the public to create support for and understanding of the importance of access to civil justice

Goal: Increase awareness of what constitutes a legal need, what resources are available and how to navigate the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance

- Provide training and information on advocacy skills, the legal process and law-related issues the public may encounter
- Establish a public education program targeting the general public to help them understand the legal process, identify resources including legal service providers, and help them navigate those resources

Recommendations

A number of vital stakeholders provided input and data on this needs assessment. They include consumers, legal aid providers, social service providers, advocates, the courts, the Access to Justice Commission and the State Bar of Nevada. These same stakeholders are all essential components to improving access to civil legal services in Nevada. They each bring their own strengths and invaluable perspective and are critical to implementation of any recommendations that are adopted.

Consumers help inform what is needed and made numerous suggestions about what would assist them in meeting their civil legal needs throughout the needs assessment project. The service providers, including LSC-funded and non-LSC funded programs and pro bono programs understand their communities and have practical experience with the civil legal needs of low-income people. In addition, in Nevada they have designed and implemented programs to meet legal needs, often partnering with other stakeholders to employ creative solutions that are efficient and effective. The Boyd Law School has provided both professors and law students that serve as valuable resources through the clinics they operate. The judiciary also has experience with the civil legal needs that are increasingly addressed in courts as well as having rule-making authority. The Access to Justice Commission provides leadership and direction in understanding and addressing civil legal needs. The State Bar of Nevada staffs the Access to Justice Commission and has access to the volunteer lawyers who provide pro bono resources both in-kind and financially. It will take each of these stakeholders with clearly defined roles and responsibilities to improve access to justice for all Nevadans, particularly low-income residents.

The next component of this project is to engage in strategic planning to address the needs detailed in this assessment. Therefore, the following recommendations are provided as a starting point for discussion rather than a declaration of what must be done. Any strategy selected must be realistic, actionable and measurable. Given the current economic climate this will surely be a challenge requiring creativity and collaboration on the part of each of the aforementioned stakeholders.

System improvement opportunities that are most actionable and realistic should be identified by the stakeholders most directly responsible for implementing the strategies suggested. Thus, providers are encouraged to continue their efforts to improve the service delivery system while the judiciary endeavors to implement solutions in the courts or by statute.

The following recommendations could help strengthen the civil legal justice system:

- Review fund development options and select strategies to increase resources to meet civil legal needs in Nevada. Examine opportunities for funding from charitable and philanthropic organizations interested in ensuring access to justice.

- Secure additional resources for more lawyers for current legal service providers and to support additional services such as classes and clinics statewide.
- Establish priorities for unmet need that take into consideration the geographic and socio-economic barriers experienced by low-income Nevadans including addressing the gap of services statewide.
- Increase options and the manner in which pro bono lawyers can provide services to low-income Nevadans, matching their interest and ability with the unmet needs. It can be more expensive for everyone involved to try and increase and manage pro bono cases so this should not be an alternative to securing more staff attorneys for legal service providers.
- Continue to strengthen the service delivery system to reach all areas of the state using web-based programs, telecommunications tools and toll free hotlines with a focus on consumer friendly technology such as interactive client classes and document preparation.
- Expand the use of tele-justice and video-conferencing to provide additional resources for persons in rural areas, with persons who have limited mobility or who do not have access to transportation.
- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance. Provide training and information on advocacy skills, the legal process and law-related issues they are likely to encounter.
- Utilize a mix of legal support strategies to include self-help, brief advice, increased community education and awareness and representation to maximize reach with the resources available. Explore the use of panels of lawyers and/or judges to provide pro bono mediation or sit on panels
- Promote solutions that address legal problems before they become a crisis.

In addition to these system wide recommendations, the following recommendations and themes came from focus groups and key informant interviews:

Statewide

Judicial leadership is needed to promote access to justice. The Access to Justice Commission needs a broader base of participation from the lawyer community to expand the statewide base of support for increasing access to civil legal justice.

Advocacy is needed throughout the state for certain types of legal issues where an advocate can guide the client through both the social and legal system and manage the ancillary issues that exacerbate the identified legal matter.

General public policy efforts need to be pursued to a) change court rules that will enable more efficient practice of law and enable fairer treatment of unrepresented persons, b) statutory changes that will lead to reduced need for representation such as the cleanup of NRS 21.112 and c) regulatory changes that will clarify procedures and rights for institutionalized persons such as persons living in nursing homes.

Within the context of the child welfare system, youth noted in focus groups the need to clarify rules and criteria regarding youth being present in court and testifying in court.

Conduct cross training with support services and legal providers so that legal providers have an understanding of the co-occurring issues that may impact the legal matter and support service providers have a better understanding of how to educate their clients regarding the legal system.

Use alternate dispute resolution system (arbitration and mediation) for matters less than \$25,000. The system could be structured to capitalize on attorneys' areas of expertise.

The statutes should be evaluated for changes needed to improve access such as changing statute 21, or rule changes regarding nursing home regulations to ensure this sometimes silent, vulnerable population has access to civil justice.

Key informants noted that incentives should be explored for pro bono attorneys with the understanding that there is a need for more funded attorneys and other resources.

Examine increasing the amount required to opt out of pro bono funding.

More specific recommendations are summarized by geographic region:

Clark County

- Nevada needs a civil justice resource center to provide direction and referral to clients in search of legal services.
- More services could be provided using paneled attorneys for mediation/arbitration in four major areas: consumer, family, seniors and immigration.
- Provide more funding for outreach and attorneys and for specialty services such as a consumer program. If legal service providers were able to advertise more staff would be needed for intake and interviews to be able to serve the additional clients who would contact providers for service.
- Provide services and resources in Spanish for Spanish speaking clients.
- In regard to consumer matters, explore developing a court rule that when suing on a contract or loan that the contract or loan documents must be attached to the compliant. The complaint should allege the date of default, who the original debtor was and include a copy of the contract.
- Focus group participants suggested a number of strategies to advertise services. They included listing in the phone book, billboards, on Nevada Job Connect or NV 211 and using the inside and outside of buses to advertise help since most don't have cars and have to ride the bus.

Washoe County

- Establish a pro bono housing center in the court house and provide education and assistance with forms.

- Promote system changes that facilitate communication between law enforcement and the judiciary across jurisdictions rather than not enforcing orders from another jurisdiction.
- Train more service providers including Washoe County Senior Center staff in resources and educating clients on how to navigate the legal system.
- Secure more clerks and front line staff for existing legal service providers so that caseloads can be streamlined and cases resolved more rapidly.
- Have providers facilitate coordination with other social service agencies and social workers to better coordinate legal services.

Balance of State

- Increase resources to support legal services for persons of limited means. Specialty courts, such as drug court or family court can provide better outcomes for persons accessing the courts. Resources are needed to support these efforts within the rural counties and frontier counties.
- Implement mediation and arbitration where judges and/or attorneys could contribute time pro bono and provide “low-bono” options where a reduced fee is negotiated by private attorneys and firms.
- Provide funding (through taxes or other sources) to improve access for additional services in rural and frontier counties. These include affordable housing, opportunities for counseling and substance abuse treatment, and services for children.
- Explore opportunities to bring effective models for pro-se assistance such as a divorce clinic or other needed service.
- There are a number of strategies that could be used by the rural and frontier counties if modest additional resources were available. Examples include travel subsidies for attorneys that are willing to provide pro-bono assistance, loan forgiveness programs to encourage attorneys to reside in the county, utilizing assistance of Boyd law school students, and use of the internet and technological solutions to provide specific services.
- There also may be opportunities related to how courts operate. One provider suggested having court days assigned for attorneys that reside out of the area, so that travel time could be most efficient and out of area attorneys could serve more persons.

Appendices

Glossary of Terms

Domestic Violence: Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons, his minor child or any person who has been appointed the custodian or legal guardian for his minor child: (a) A battery. (b) An assault. (c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform. e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to: (1) Stalking. (2) Arson. (3) Trespassing. (4) Larceny. (5) Destruction of private property. (6) Carrying a concealed weapon without a permit. (7) Injuring or killing an animal. (f) A false imprisonment. (g) Unlawful entry of the other’s residence, or forcible entry against the other’s will if there is a reasonably foreseeable risk of harm to the other from the entry. 2. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context. (Added to NRS by 1985, 2283; A 1995, 902; 1997, 1808; 2007, 82, 1275) Nevada Revised Statute 200.481 Battery: Definitions; penalties. 1. As used in this section: (a) “Battery” means any willful and unlawful use of force or violence upon the person of another (NRS 33.018).

Earned Income Tax Credit (EITC): The Earned Income Tax Credit (EITC) sometimes called the Earned Income Credit (EIC), is a refundable federal income tax credit for low-income working individuals and families. Congress originally approved the tax credit legislation in 1975 in part to offset the burden of social security taxes and to provide an incentive to work. When the EITC exceeds the amount of taxes owed, it results in a tax refund to those who claim and qualify for the credit (Internal Revenue Service).

Frontier Counties: Frontier counties are sparsely populated rural counties that are isolated from population centers and services. Frontier is sometimes defined as places having a population density of six or fewer people per square mile. However, this definition does not take into account some of the other factors that may isolate a community. Therefore, other definitions are more complex and address isolation by considering distance in miles and travel time in minutes to services (Rural Assistance Center).

Interest on Lawyer Trust Accounts: ('IOLTA') is a type of program in which the insignificant amounts interest earned from money held in lawyer trust accounts is aggregated for a public purpose. IOLTA programs were developed to convert the unearned aggregate interest to a purpose serving the same legal system that mandates the trust funds in the first place. IOLTA programs were first established in Australia and Canada in the late 1960s to generate funds for legal services to the poor. The Florida Bar Foundation

launched the first American IOLTA program in 1981. IOLTA applies only to funds that are "nominal in amount or held for a short period of time" so larger amounts of money held for single clients are exempt. Typically, the aggregate is administered by a State Bar of Nevada association and used to fund legal programs. Generally, the money collected is used to fund indigent defense, pro bono projects, and legal education programs.

Legal Services Corporation: The Legal Services Corporation (LSC) is a private, non-profit corporation established by the United States Congress to seek to ensure equal access to justice under the law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. The LSC was created in 1974 with bipartisan congressional sponsorship and the support of the Nixon administration, and is funded through the congressional appropriations process. The federal government provides over \$300,000,000 for civil legal aid through LSC. The LSC Act contains certain rules and restrictions regarding what LSC grantees can do. As part of a comprehensive reform of federal welfare laws beginning in 1996, Congress imposed restrictions on the types of work that LSC grantee legal services organizations could engage in. For example, LSC-funded organizations could no longer serve as counsel in class action lawsuits challenging the way public benefits are administered. Additionally, LSC grantees faced tightened restrictions on representing immigrants. However, non-LSC funded organizations are not subject to these restrictions. This has led the legal services community to adopt a two-track approach: LSC restricted counsel taking on individual clients but not engaging in class actions, and non-restricted counsel (using private donor funding) both taking on individuals as well as engaging in otherwise restricted litigation. Poverty lawyers in both tracks still work together where they can, being careful not to run afoul of LSC restrictions.

Payday Loan: Payday loans are small-dollar, short-term, unsecured loans that borrowers promise to repay out of their next paycheck or regular income payment. Payday loans are usually priced at a fixed-dollar fee, which represents the finance charge to the borrower. Because these loans have such short terms to maturity, the cost of borrowing, expressed as an annual percentage rate, can range from 300% to 1,000 percent, or more. (Federal Deposit Insurance Corporation (FDIC)).

Predatory Lending: Loans become predatory when they target a particular population take advantage of the borrower's inexperience and lack of information, manipulate a borrower into a loan the borrower cannot afford to pay, or defraud the borrower or investor. Often these tactics are directed at a particular population, that is viewed as more vulnerable to predatory practices (Goldstein, 1999).

Temporary Protection Order: If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A temporary or extended order must not be granted to the applicant or the adverse party unless he has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence.

2. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application. A hearing on an

application for an extended order must be held within 45 days after the date on which the application for the extended order is filed.

4. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

5. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while he is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

6. In a county whose population is 47,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 5.

7. In a county whose population is less than 47,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 5.

8. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Urban and Rural Classification: For Census 2000, the Census Bureau classifies as "urban" all territory, population, and housing units located within an urbanized area (UA) or an urban cluster (UC). It delineates UA and UC boundaries to encompass densely settled territory, which consists of: core census block groups or blocks that have a population density of at least 1,000 people per square mile and surrounding census blocks that have an overall density of at least 500 people per square mile

In addition, under certain conditions, less densely settled territory may be part of each UA or UC.

The Census Bureau's classification of "rural" consists of all territory, population, and housing units located outside of UAs and UCs. The rural component contains both place and nonplace territory. Geographic entities, such as census tracts, counties, metropolitan areas, and the territory outside metropolitan areas, often are "split" between urban and rural territory, and the population and housing units they contain often are partly classified as urban and partly classified as rural (U.S. Census, 2000).

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