



Taking Pro Bono to the Next Level

By Anne R. Traum

When Seth Floyd, an associate at MacDonald Carano Wilson in Las Vegas, had the opportunity to take a pro bono appeal last August, he leaped at the chance. Seth had added his name to a list of lawyers willing to accept pro bono appeals for indigent clients with a guarantee of oral argument before the Nevada Supreme Court. He took a family law case and, so far, the experience has been as rich as anticipated: “I have been exposed to every detail of an appeal, from the initial client meeting to compiling the appendix to brief-writing.” And he is looking forward to oral argument, the notch of experience among appellate litigators.

Nevada lawyers like Seth now have a new opportunity to handle pro bono appeals in the Nevada Supreme Court. This is because the court in 2013, under the leadership of then-Chief Justice Kristina Pickering, expanded its pro bono program to include more appeals and more lawyers. The Nevada Appellate Pro Bono Program provides the perfect opportunity for lawyers to develop appellate skills while serving a critical need.

For years, the court has appointed appellate experts to represent parties in cases that presented novel or thorny issues. The court has a staggering caseload with some 876 civil appeals cases filed last year. Because there is no constitutional right to appeal in civil cases, with an associated right to counsel, many litigants proceed without counsel and have little chance of framing important issues in the best light.

Under the new program, the Nevada Supreme Court increased the number of pro bono appointments and also guaranteed oral argument. When the court identifies a case in need of appointed counsel, the court refers the case to the Appellate Litigation Section’s Pro Bono Committee, which has partnered with the Legal Aid Center of Southern Nevada (LACSN) to find volunteer attorneys. LACSN circulates an e-blast alerting attorneys that a new appeal is available, matches the client to the volunteer attorney, and provides legal malpractice insurance. As a statewide program, any admitted Nevada attorney can sign up to receive the e-blast alerts and volunteer to represent a client. You do not need to be experienced at handling appeals.

The formula is a win-win-win. Volunteers, who handle an appeal from start to finish, including guaranteed oral argument, gain valuable experience. For the litigants in need, the assistance of counsel on appeal is critical. And the court benefits from counseled briefing and argument, and the opportunity to enhance the appellate bar. In 2013, volunteer lawyers were appointed to assist in some twenty appeals on diverse matters, including family, employment, and civil rights law.

Neophytes can also volunteer. For some, the experience of handling a custody or inmate appeal may be new. For others, handling any appeal is uncharted territory. Ryan Daniels, newly barred in Nevada, had no appellate experience when he volunteered and “realized I would need a mentor to help me out.” The Appellate Litigation Section’s Pro Bono Committee, which seeks to provide mentoring to attorneys who request it, paired Ryan with Franny Forsman, a veteran appellate advocate with decades of experience. According to Ryan, Franny “helped me spot some issues, guide me in procedural matters, and understand how to interact with my client while he is in prison.” Ryan is “grateful for the opportunity to learn from such a skilled attorney.”

Gaining this kind of experience is just one lure of the program. Volunteers enjoy serving the client and the court, and welcome the opportunity to develop Nevada law. According to Seth Floyd, one perk is that “the Court picks meaningful, interesting cases for the program. By taking an appeal, I both improved my own skills and will potentially contribute to the development of Nevada law.”

It is easy to get involved. Interested attorneys should contact Anne Traum at anne.traum@unlv.edu, or Melanie Kushnir, the pro bono coordinator at Legal Aid Center of Southern Nevada, at mkushnir@lacsnsn.org. 

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