

ONE FOCUS



BY RACHELLE M. RESNICK, ESQ.

Pro bono attorneys make a difference. I first began working with Legal Aid Center of Southern Nevada's Pro Bono Project while I was managing the Clark County Family Law Self-Help Center for the Eighth Judicial District Court. Although many people visiting the center were able to navigate the court system on their own, some litigants needed attorney assistance to help them understand the court process and to ensure their legal papers were handled properly. As a result, the Legal Aid Center and the Boyd School of Law partnered with the court to create the center's "Ask-A-Lawyer" program, through which attorneys are able to give brief consultations and review litigants' completed forms.

What a difference "Ask-A-Lawyer" made in these litigants' lives! Their sense of relief was palpable when they learned they could receive the legal help they couldn't afford. After the consultations, many of them told me how grateful they were that an attorney had volunteered to help them.

Now that I am working for the Court of Appeals, I see a similar need for pro bono attorneys. Although the court has only been in existence since January, there have been several cases that present novel issues. Unfortunately, the briefing is sometimes incomplete because at least one party is pro se. Normally, the court would set these important cases for oral argument, but it doesn't if one side is pro se, because one of the key benefits of argument — the opportunity for the judges to ask questions about the applicability of the law — is greatly diminished when both parties are not represented by counsel.

To address this need, Nevada Court of Appeals' Chief Judge Michael Gibbons, Judge Abbi Silver and Judge Jerome Tao have partnered with the state bar's Appellate Litigation Section, Legal Aid Center of Southern Nevada and the Boyd School of Law to form an appellate pro bono program that mirrors the one implemented in the Nevada Supreme Court in 2013. Under the program, the court decides which cases need pro bono attorneys, and Legal Aid Center locates an attorney for the pro se litigant.

Attorneys who have participated in the Supreme Court's program have represented clients in a wide range of non-criminal cases, including wrongful foreclosure, unemployment benefits, workers compensation and family law. Nevada Supreme Court Justice Kristina Pickering states:

"The appellate pro bono project has been a win-win-win for the parties, counsel and the court. The party wins because, with counsel, he or she can participate in the court's settlement program and more effectively present his or her position on appeal. The lawyer wins, because taking on a pro bono appeal satisfies the lawyer's ethical obligation to provide legal services to those unable to pay, and gives the lawyer invaluable practice experience, including access to

state bar appellate section specialists as mentors and, unless waived, guaranteed oral argument before the court. And the court wins, because counseled cases facilitate our review by allowing us to focus on legal issues presented and vetted by both sides.

Since the program was established in its current form, pro bono counsel has been appointed in 45 Supreme Court cases. At least one was resolved in the settlement program and 13 others have been resolved by final disposition, two by published opinion. The remaining cases are in briefing or under submission. All this would not have been possible without the support of the State Bar of Nevada's Appellate Litigation Section, Boyd School of Law Professor Anne Traum, Barbara Buckley of the Legal Aid Center of Southern Nevada and the supreme court's staff, especially Susan Wilson and Kerry Malone.

The Appellate Pro Bono Program Needs You

Why should you volunteer for the Appellate Pro Bono Program? It gives you an opportunity that does not arise very often — a chance to participate in oral argument before a Nevada appellate court. All cases assigned to a pro bono attorney are guaranteed an oral argument, unless argument is waived. Also, volunteers will be helping people who truly need their expertise, and ensuring that the court has the information and analysis it needs, in order to make the best decision in potentially precedent-setting cases.

Don't have any experience in appellate work? Legal Aid Center provides experienced volunteer attorneys as mentors.

Don't have time to devote to a case but have experience in appellate work? Join others who have become mentors. This volunteer opportunity takes less time than would representing someone, but is also critical to the program's success.

Don't live in Clark County? Because litigants in appellate cases live throughout Nevada, attorneys from all over the state are needed if this program is to be successful.

For more information, or to sign up to participate in the program, please visit the Legal Aid Center's website at www.lacsnpobono.org or contact Melanie Kushnir, Esq., Pro Bono Project Director, at mkushnir@lacsno.org or (702) 386-1070 ext. 1429. **NL**



RACHELLE M. RESNICK began her career in Las Vegas in private practice. She then became the Law Clerk for the Hon. Terrance P. Marren and the Hon. Gloria S. Sanchez in the Family Division of the Eighth Judicial District Court. In 1999, Resnick received an appointment to serve as the founding manager of the Clark County Family Law Self-Help Center. From 2007-2012, she served as the Clerk of the Court for the Arizona Supreme Court, where she implemented the court's e-filing system. After working as a consultant and as an executive in the nonprofit sector in Arizona, she returned to Nevada. She now serves as the Judicial Chambers Administrator for Chief Judge Michael Gibbons in the Nevada Court of Appeals.