



Second Judicial District Court *Washoe County Law Library*

AGENDA

A meeting has been scheduled for the Law Library Board of Trustees on Wednesday, May 2, 2018, at 5:00 PM in the Robert Z. Hawkins Boardroom in the Washoe County Law Library. The library is located in room 101 on the first floor of the Courthouse at 75 Court Street, Reno, Nevada 89501.

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another later meeting; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later.

The Robert Z. Hawkins Boardroom is accessible to the disabled. If you require special arrangements for the meeting, call the Law Library at (775) 328-3250, at least twenty-four hours prior to the meeting.

Time Limits. Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Board meeting. Persons may not allocate unused time to other speakers.

Responses to Public Comments. The Board of Trustees can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Board of Trustees. However, responses from Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Trustees will consider, Board of Trustees may choose not to respond to public comments, except to correct factual inaccuracies, ask for staff action or to ask that a matter be listed on a future agenda. The Board of Trustees may do this either during the public comment item or during the following item: "Board Comment – Limited to Announcements or Issues for Future Agendas".



Second Judicial District Court *Washoe County Law Library*

Supporting documentation for agenda items provided to the Law Library Board of Trustees is available to members of the public at the Law Library located at 75 Court Street, First Floor, Room 101, Reno, Nevada 89501, and online at <https://www.washoecourts.com/LawLibrary>. Ms. Emily Reed, Self Help Center and Law Library Program Manager, is the person designated by the Law Library Board of Trustees to respond to requests for supporting materials. Ms. Reed is located at the Second Judicial District Court and may be reached by telephone at (775) 325-6625 or by email at emily.reed@washoecourts.us.

The agenda will be:

- 5:00 PM
1. Roll Call
 2. Public Comments
 3. Approval of Minutes from Board Meeting of February 7, 2018*
 4. Update regarding the Law Library, including Lawyer in the Library Update, 2018 statistics on volunteers, attendance, and topics covered; Law Library Statistics for 2018, including statistics on number of patrons and usage
 5. Training on the open meeting law
 6. Discussion and update of Lawyer in the Library volunteer recruitment by members of the Board and library staff, including information regarding the volunteer reception at the Family Law Conference, the WCBA luncheon, and the Law Day event*
 7. Discussion and direction regarding Pro Bono Week events including an educational class/seminar for self-represented litigants and Ask-a-Lawyer event*
 8. Board Comment – Limited to Announcements or Issues for Future Agendas
 9. Public Comments
 10. Adjournment

*Denotes items for possible action.

The agenda for this meeting has been posted at the following locations: Washoe County Library (301 S. Center St.), Law Library (Washoe County Courthouse, 75 Court Street, Room 101), Second Judicial District Court (Washoe County Courthouse, 75 Court Street/South Virginia Street), Washoe County Administration Building (1001 E. 9th Street), online at the Nevada Public Notice Website (<https://notice.nv.gov/>) and <https://www.washoecourts.com/LawLibrary>.

WASHOE COUNTY LAW LIBRARY
SECOND JUDICIAL DISTRICT COURT
Law Library Board of Trustees
Meeting Minutes

February 7, 2018

1. Roll Call

Board Members present:

Honorable Connie Steinheimer, Honorable Scott Freeman, Michael Kattelman, Kathi Lutsch, and Cortney Young.

Also present were Nate Edwards, Deputy District Attorney, Nikki Cohn, Senior Law Library Assistant, and Emily Reed, Self Help Center and Law Library Program Manager.

2. Public Comments

None.

3. Introduction of new members

Welcome and thanks to the new members Kathi Lutsch and Cortney Young.

4. Approval of Minutes from Board Meeting of December 6, 2017

Mike Kattelman moved for approval, Judge Freeman seconded. Unanimous approval.

5. Update regarding the Law Library, including Lawyer in the Library Update, 2018 statistics on volunteers, attendance, and topics covered; Law Library Statistics for 2018, including statistics on number of patrons and usage

The Law Library formatting for statistics has been updated to look more similar to Clark County.

Increased community awareness is a goal for the Law Library moving forward.

6. Training on the open meeting law

Item postponed to next meeting. A reminder was given to Board members that they can speak one-on-one, but not with multiple members at a given time.

7. Discussion and update of Lawyer in the Library volunteer recruitment by members of the Board and library staff, including the TIPS project and a commercial for recruitment*

A brief overview of the Lawyer in the Library program was provided by Nikki

Cohn. Due to consistent overflow in the program, staff is working to sign up volunteers to assist patrons over the phone. The Lawyer in the Library promotional video was played at the family bench bar meeting. Ms. Reed would like the video played at the WCBA luncheon.

There was discussion regarding new procedures for participant selection with the overflow program.

Mr. Kattelman suggested that we put something in the Writ regarding the pilot overflow program and contacting Kim Surratt to see if the promotional video could be played at the Family Law Conference.

The Northern Nevada Women Lawyers Association's 3rd annual Lawyer in the Library is scheduled for May 1, 2018. Turnout last year was great and we are looking forward to their event.

Discussion was had regarding recruiting more attorneys for Probate Lawyer in the Library. A suggestion was made that the promotional video be played at the Probate Bar luncheon. Ms. Lutsch was to coordinate. Ms. Cohn also suggested that new members of the bar may be a good place to recruit new volunteers.

TIPS: Mr. Brust phoned several firms regarding the program. McDonald Carano is the only firm who has signed up participants. A suggestion was made that we put something in the Writ thanking McDonald Carano for their participation.

8. Discussion and update of the Law Library budget, including staff salaries, benefits, books and supplies*

Total expenditures for the Law Library in fiscal year 2018 are budgeted at \$722,134.00. Staff salaries are funded by both the Law Library budget and the Self Help Center budget.

Any savings in the budget for staff salaries cannot be spent on books or subscriptions. A cost of living increase in July 2018 is anticipated.

Several database/book subscriptions are due or will be due for renewal. The staff is currently researching more user friendly versions of the NOLO materials offered to patrons.

The public access terminals are now almost 5 years old. Our current budget does not contemplate new terminals. We are reviewing the current budget and working on putting any remaining funds towards updating those computer terminals at an estimated cost of \$1,000.00 each.

9. Board Comment – Limited to Announcements or Issues for Future Agendas

Ongoing volunteer Lawyer in the Library;
Information regarding Pro Bono Week;
Update regarding Family Law Conference reception.

10. Public Comments.
None.

11. Adjournment

SECOND JUDICIAL DISTRICT COURT STATISTICS

WASHOE COUNTY LAW LIBRARY IN PERSON VISITS

JANUARY 2018

1/1/18 - 1/31/18 (21 Operating Days)

TIME	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
8:00 AM - 10:00 AM	127	23	150
10:00 AM - 12:00 PM	351	30	381
12:00 PM - 3:00 PM	423	15	438
3:00 PM - 5:00 PM	412	15	427
5:00 PM - 7:00 PM	158	2	160
TOTAL			1556

WASHOE COUNTY LAW LIBRARY TELEPHONE CALLS

JANUARY 2018

1/1/18 - 1/31/18 (21 Operating Days)

TIME	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
TOTAL	180	7	187
TOTAL			187

LAWYER IN THE LIBRARY

JANUARY 2018

1/1/18 - 1/31/18 (21 Operating Days)

PROGRAMS	PARTICIPANTS	PARTICIPANTS TURNED AWAY
Family Law	93	3
General Law	45	15
Probate	6	0
TOTAL	144	18

WASHOE COUNTY LAW LIBRARY ELECTRONIC USAGE

JANUARY 2018

1/1/18 - 1/31/18 (21 Operating Days)

ELECTRONIC USAGE	TOTAL
Circulation of Books	10
Inhouse Usage	143
Email- Ask a Librarian	10
EBSCO	4
Internet/ Contexte	134
Westlaw Searches	1313
TOTAL	1614

SECOND JUDICIAL DISTRICT COURT STATISTICS

WASHOE COUNTY LAW LIBRARY REFERENCE

JANUARY 2018

1/1/18 - 1/31/18 (21 Operating Days)

REFERENCE QUESTIONS	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
Family Law			
Adoption/ Termination of Parental Rights	4		4
Answers	7		7
Child Custody	29		29
Child Support	7		7
Divorce/ Annulment/Separation	46		46
Domestic Violence/TPO/EPO	8		8
Family Court Procedures/Packets	42		42
Guardianships Adult/Minor	21		21
Name Change Adult/Minor	23		23
Motions/Notice/Emergency	20		20
Oppositions/Objections	2		2
Law Library Reference			
Appeals	5		5
Civil Complaints/Petitions	5		5
Civil Procedure/State/Federal	2		2
Civil Rights/Constitutional Law			0
Contract	1		1
Criminal Law and Defense			0
Employment/Labor	2		2
Immigration	1		1
Landlord/Tenant Rights	5		5
Medical	1		1
Military/Veterans Rights			0
Personal Injury/Damages			0
Probate/Wills/Trusts/Estate Planning	20		20
Rogue Title	11		11
Sealing of Criminal Record	9		9
Law Library Services			
Liberty Catalog/Circulation	6	4	10
Copier Use/ Change	167	7	174
Internet/ Contexte	123	11	134
Lawyer in the Library Info./Referrals	73		73
Westlaw	26	53	79
Other Functions			
Copies of Court Records	12		12
Referrals To Other Services/NLS/WLS	23		23
Other	89	14	103
TOTAL			879

SECOND JUDICIAL DISTRICT COURT STATISTICS

WASHOE COUNTY LAW LIBRARY IN PERSON VISITS

FEBRUARY 2018

2/1/18 - 2/28/18 (21 Operating Days)

TIME	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
8:00 AM - 10:00 AM	142	10	152
10:00 AM - 12:00 PM	375	23	398
12:00 PM - 3:00 PM	398	18	416
3:00 PM - 5:00 PM	384	10	394
5:00 PM - 7:00 PM	166	6	172
TOTAL			1532

WASHOE COUNTY LAW LIBRARY TELEPHONE CALLS

FEBRUARY 2018

2/1/18 - 2/28/18 (19 Operating Days)

TIME	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
8:00 AM - 10:00 AM	16	2	18
10:00 AM - 12:00 PM	70	2	72
12:00 PM - 3:00 PM	55	3	58
3:00 PM - 5:00 PM	18	4	22
5:00 PM - 7:00 PM	1	1	2
TOTAL			172

LAWYER IN THE LIBRARY

FEBRUARY 2018

2/1/18 - 2/28/18 (19 Operating Days)

PROGRAMS	PARTICIPANTS	PARTICIPANTS TURNED AWAY
Family Law	60	0
General Law	20	36
Probate	4	0
TOTAL	84	36

WASHOE COUNTY LAW LIBRARY ELECTRONIC USAGE

FEBRUARY 2018

2/1/18 - 2/28/18 (19 Operating Days)

ELECTRONIC USAGE	TOTAL
Circulation of Books	17
In-house Usage	53
Email- Ask a Librarian	5
EBSCO	23
Internet/ Contexte	115
Westlaw Searches	Not available at this time
TOTAL	213

SECOND JUDICIAL DISTRICT COURT STATISTICS

WASHOE COUNTY LAW LIBRARY REFERENCE

FEBRUARY 2018

2/1/18 - 2/28/18 (19 Operating Days)

REFERENCE QUESTIONS	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
Family Law			
Adoption/ Termination of Parental Rights	14	0	14
Answers	5	0	5
Child Custody	19	0	19
Child Support	6	0	6
Divorce/ Annulment/Separation	33	0	33
Domestic Violence/TPO/EPO	9	0	9
Family Court Procedures/Packets	56	0	56
Guardianships Adult/Minor	33	0	33
Name Change Adult/Minor	18	0	18
Motions/Notice/Emergency	19	0	19
Oppositions/Objections	2	0	2
Law Library Reference			
Appeals	2	0	2
Civil Complaints/Petitions	2	0	2
Civil Procedure/State/Federal	9	0	9
Civil Rights/Constitutional Law		0	0
Contract		0	0
Criminal Law and Defense	4	0	4
Employment/Labor		0	0
Immigration		0	0
Landlord/Tenant Rights	9	0	9
Medical	2	0	2
Military/Veterans Rights	3	0	3
Personal Injury/Damages		0	0
Probate/Wills/Trusts/Estate Planning	15	0	15
Rogue Title	17	0	17
Sealing of Criminal Record	6	0	6
Law Library Services			
Liberty Catalog/Circulation	7	10	17
Copier Use/ Change	161	8	169
Internet/ Contexte	107	8	115
Westlaw	18	48	66
Lawyer in the Library Info./Referrals	70	0	70
Other Functions			
Copies of Court Records	1	0	1
Referrals To Other Services/NLS/WLS	19	0	19
Other	55	11	66
TOTAL			806

SECOND JUDICIAL DISTRICT COURT STATISTICS

WASHOE COUNTY LAW LIBRARY IN PERSON VISITS

MARCH 2018

3/1/18 - 3/30/18

TIME	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
8:00 AM - 10:00 AM	102	14	116
10:00 AM - 12:00 PM	347	33	380
12:00 PM - 3:00 PM	414	27	441
3:00 PM - 5:00 PM	369	18	387
5:00 PM - 7:00 PM	259	2	261
TOTAL			1585

WASHOE COUNTY LAW LIBRARY TELEPHONE CALLS

TIME	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
8:00 AM - 10:00 AM	35	4	39
10:00 AM - 12:00 PM	66	6	72
12:00 PM - 3:00 PM	49	6	55
3:00 PM - 5:00 PM	23	8	31
5:00 PM - 7:00 PM	1	0	1
TOTAL			198

LAWYER IN THE LIBRARY

PROGRAMS	PARTICIPANTS	PARTICIPANTS TURNED AWAY
Family Law	71	8
General Law	43	3
Probate	15	0
TOTAL	129	11

WASHOE COUNTY LAW LIBRARY ELECTRONIC USAGE

ELECTRONIC USAGE	TOTAL
Circulation of Books	29
EBSCO	27
Email- Ask a Librarian	7
Inhouse Usage	94
Internet/ Contexte	100
Westlaw Searches	1968
TOTAL	2225

SECOND JUDICIAL DISTRICT COURT STATISTICS

WASHOE COUNTY LAW LIBRARY REFERENCE

MARCH 2018

3/1/18 - 3/31/18

REFERENCE QUESTIONS	GENERAL PUBLIC	ATTY OR OTH LGL PROF	TOTAL
Family Law			
Adoption/ Termination of Parental Rights	2	0	2
Answers	2	0	2
Child Custody	13	0	13
Child Support	3	0	3
Divorce/ Annulment/Separation	25	0	25
Domestic Violence/TPO/EPO	3	0	3
Family Court Procedures/Packets	21	0	21
Guardianships Adult/Minor	5	0	5
Name Change Adult/Minor	10	0	10
Motions/Notice/Emergency	30	0	30
Oppositions/Objections	0	0	0
Law Library Reference			
Appeals	2	0	2
Civil Complaints/Petitions	8	0	8
Civil Procedure/State/Federal	4	0	4
Civil Rights/Constitutional Law	2	0	2
Contract	1	0	1
Criminal Law and Defense	8	0	8
Employment/Labor	1	0	1
Immigration	1	0	1
Landlord/Tenant Rights	9	0	9
Medical	0	0	0
Military/Veterans Rights	0	0	0
Personal Injury/Damages	0	0	0
Probate/Wills/Trusts/Estate Planning	11	0	11
Rogue Title	2	0	2
Sealing of Criminal Record	11	0	11
Law Library Services			
Liberty Catalog/Circulation	8	21	29
Copier Use/ Change	182	4	186
Internet/ Contexte	92	8	100
Lawyer in the Library Info./Referrals	45	4	45
Westlaw	25	64	89
Other Functions			
Copies of Court Records	4	0	4
Referrals To Other Services/NLS/WLS	13	0	13
Other	65	18	83
TOTAL			723

LAWYER IN THE LIBRARY PROGRAM FOR FAMILY, GENERAL & PROBATE PROGRAM

FAMILY LAW

JANUARY-APRIL 2018

MONTH	ATTORNEY	# OF PEOPLE WHO ATTENDED	# OF PEOPLE TURNED AWAY
JAN. 2, 2018	No program	0	0
JAN. 9, 2018	Caryn Sternlicht & Danielle Christenson	25	0
JAN. 16, 2018	Megan Lucey & Danielle Christenson	27	3
JAN. 23, 2018	Tehan Slocum & Erin Grieve	20	0
JAN. 30, 2018	Bonnie Mahan & Bryan Carpenter	21	0
FEB. 6, 2018	Graeme Reid & Caryn Sternlicht	16	0
FEB. 13, 2018	Caryn Sternlicht & Travis Clark	10	0
FEB. 20, 2018	Erin Grieve & Danielle Christenson	20	0
FEB. 27, 2018	Michelle Bumgarner & Tamatha Schreinert	14	0
MAR. 6, 2018	Andriea Aden and Timothy Hay	14	0
MAR. 13, 2018	Bronagh Kelly & Gary Silverman	18	0
MAR. 20, 2018	Jessica Anderson & Gary Silverman	23	8
MAR. 27, 2018	Erin Grieve & Brittany Cooper	16	0
APRIL 3, 2018	Sandra Unsworth & Travis Clark	16	0
APRIL 10, 2018	Linda Daykin & Sandra Unsworth	22	3
APRIL 17, 2018	Bronagh Kelly & Scott Husbands	24	0
APRIL 24, 2018	Jessica Anderson & Ilin Rocovits	9	0
TOTAL		295	14

Total Assisted – 295

Total Family Law Turned Away –14

GENERAL LAW

JANUARY-APRIL 2018

MONTH	ATTORNEY	# OF PEOPLE WHO ATTENDED	# OF PEOPLE TURNED AWAY
JAN. 3, 2018	No program		
JAN. 10, 2018	Pete Cladianos	13	0
JAN. 17, 2018	Richard Cornell	10	5
JAN. 24, 2018	Jennifer Richards	11	5
JAN. 31, 2018	John Samberg	11	5
FEB. 7, 2018	Leah Wigren	9	0
FEB. 14, 2018	Program cancelled	0	0
FEB. 21, 2018	Joe Gorman	11	8
FEB. 28, 2018	Program cancelled	0	13
MAR. 7, 2018	Laura Jacobson	11	3
MAR. 14, 2018	Stephen Schreerer	8	0
MAR. 21, 2018	Chelsea Latino	10	0
MAR. 28, 2018	Linda Daykin	14	0
APRIL 4, 2018	Bryce Alstead	10	0
APRIL 11, 2018	Philip Mannelly	11	1
APRIL 18, 2018	Pete Cladianos	11	2
APRIL 25, 2018	Mark Liapis	9	0
TOTAL		149	42

Total Assisted – 149

Total General Law Turned Away – 42

PROBATE LAW

JANUARY-APRIL 2018

MONTH	ATTORNEY	# OF PEOPLE WHO ATTENDED	# OF PEOPLE TURNED AWAY
JAN. 17, 2018	Ed Gorman & Audrey Damonte	6	0
FEB. 21, 2018	Jack Grellman & Bryce Rader	4	0
MAR. 21, 2018	Brian Saeman & David O'Mara	15	2
APRIL 18, 2018	Audrey Damonte	12	0
TOTAL		37	2

Total Assisted – 37

Total Probate Law Turned Away - 2

Lawyer in the Library Program

January-April 2018

(Family Law)

Please check the area(s) of law that were covered with each patron who needed assistance and indicate any agency(s) they were referred to. Please leave this sheet with a staff member.

Nature of Problem	Number of Patrons	Nevada Legal Services	Washoe Legal Services	Self Help Center	Law Library Resources	State Bar	Senior Law Project	Other
Adoption – Adult								
Adoption – Minor	2							
Alimony / Spousal Support	5		1	2				
Annulment	1		1					
Appeals to Supreme Court								
Attorney's Fees								
Case Management Conference	3							
Child Custody Jurisdiction	12			3				
Child Custody / Visitation	24			1				1
Child Support	18	1	1	1		1		
Community / Separate Property	1			1				
Court Hearings	2			1				
Divorce – Complaint	11	1	1	4				
Divorce – Joint Petition	3			1				1
Domestic Partnerships								
Domestic Violence / TPO	9							
Ex Parte Motions	5			2				1
Emancipation								
Grandparent's Visitation	2							
Guardianship – Adult	2							
Guardianship – Minor Child	3	1	1	3				2
Hague Convention								
Indian Child Welfare Act	1							
Joint Petition for Divorce								
Jurisdiction – Family								
Juvenile Delinquency								
Juvenile Dependency								
Legal Separation								
Mediation								
Military	1							
Minor Marriage								
Objection to Master's Recommendation	1							
Partnership Dissolution								
Paternity	7	1	1	2				
Post or Pre-Nuptial Agreement								
QDRO / Retirement	2			1				
Settlement Conference								
Surrogacy								
Termination of Parental Rights	2							
Trial								
Total	117	4	6	22	0	1	0	5

Lawyer in the Library Program

January-April 2018

(General Law)

Please check the area(s) of law that were covered with each patron and indicate any agency(s) they were referred to. Please leave this sheet with a staff member.

Nature of Problem	Number of Patrons	Nevada Legal Services	Washoe Legal Services	VARN	Law Library Resources	State Bar	Senior Law Project	Other
Abandoned Vehicle	3							1
Animal Law	1							
Attorney Malpractice	1					1		
Bankruptcy	1							
Business / Industry								
Civil Litigation	4				1			4
Civil Procedure (Federal)	6	1	1		1			
Civil Procedure (State)	5				1			2
Civil Rights	7		1		2			
Collections	4							1
Commercial Law	1				1			
Consumer Law	3				1	1		
Contract Law	4	1	1		1			
Criminal Law & Criminal Defense	9							8
Education Law								
Elder Law	2							
Employment / Labor Law	2							
Health Law / Insurance								
Immigration Law								
Intellectual Property Law	2							2
Landlord & Tenant	11	1	1		1			
Legal Research Tools								
Litigation								
Mediation / Arbitration								
Medical Malpractice	6							2
Medicaid								
Military Issues								
Name Change								
Native American Law								
Neighbor Law	2							
Personal Injury	10					1		6
Personal Property / Manufacture Homes	1					1		
Probate								
Real Estate / Foreclosure	3				1			1
Small Claims								
SSD / SSI / Appeals	2	2	2					2
Student Loans								
TANF / Food Stamps	1							
Taxes State / Federal	1	1	1					1
Torts	4							3
Vehicle Repossession								
Victim of Crime	3							
Water Law								
Workman's Compensation								
Wrongful Termination	1							
Total	100	6	7	0	10	4	0	33

Lawyer in the Library Program
January-April 2018
(Probate Law)

Please check the area(s) of law that were covered with each patron and indicate any agency(s) they were referred to. Please leave this sheet with a staff member.

Nature of Problem	Number of Patrons	Nevada Legal Services	Washoe Legal Services	VARN	Law Library Resources	State Bar	Senior Law Project	Other
Affidavit of Entitlement for Estate								
Cremation								
Creditor's Claim								
Challenge Will								
Estate Planning	2							
General Administration	4		2					2
Inventory, Appraisal & Record of Value								
Letters of Administration	1							
Letters Testamentary	2					2		
Medical Records								
Military Issues								
Notice to Creditors								
Notice of Hearing on First & Final Report & Accounting								
Powers and Duties								
Probate Hearings	2							2
Publication								
Safe Deposit Box								
Set Aside	1							1
Summary Administration	2							2
Trust Law	1							1
Total	16	0	2	0	0	2	0	8

INTRODUCTION TO THE OPEN MEETING LAW

Washoe County District Attorney's
Office

A stylized silhouette of a mountain range in shades of teal, located at the bottom right of the slide.

Learning Objectives

- ◆ Introduce you to the Open Meeting Law (“OML”)
- ◆ Enable you to recognize OML issues

Legislative Intent of “OML”

NRS 241.010 sets forth a legislative declaration, as follows:

- All public bodies exist to aid in the conduct of the people’s business.
- It is the intent of the OML that board deliberations and board actions be conducted openly.

When Does the OML Apply?

- ◆ In general, OML applies to all meetings of a public body at which deliberation takes place and/or action may occur.

Pillars of the OML

- ◆ Public Body
- ◆ Meeting
- ◆ Notice
- ◆ Agenda
- ◆ Minutes



Public Body

NRS 241.015(3)

- ◆ Any administrative, advisory, executive or legislative body of the state or local government
- ◆ which **expends** or **disburses** or is supported in whole or in part by **tax revenue**
- ◆ or which **advises** or **makes recommendations** to an entity which expends or disburses or is supported in whole or in part by tax revenue
- ◆ includes any board, commission, committee, subcommittee or other subsidiary thereof



Who is NOT a “Public Body”?



- ◆ NRS 241.016(2) provides that a “public body” does not include the Nevada Legislature
- ◆ Most private non-profit corporations

Meeting

NRS 241.015(3)(a)(1)

- ◆ In general, a “meeting” is:
 - The **gathering** of members of a public body at which a **quorum** is present to **deliberate** toward a decision or to take **action** on any matter over which the public body has supervision, control, jurisdiction or advisory power.



What is a Quorum?

NRS 241.015(5)

- ◆ A simple majority of the public body's membership
- ◆ Or another proportion as required by specific statute

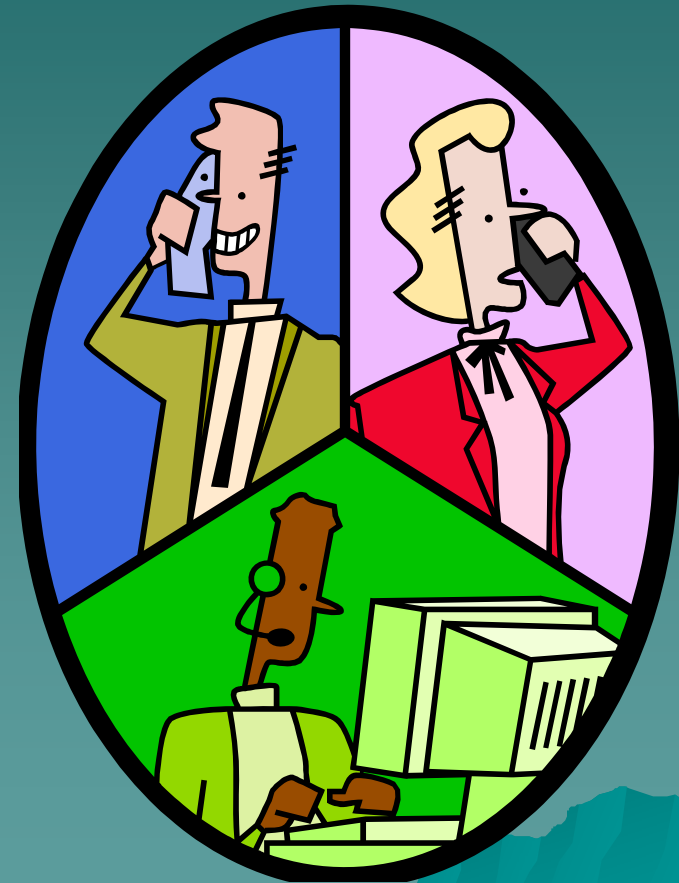
Methods of Holding Meetings

- ◆ In addition to standard meetings, and if properly noticed and open to the public:
 - Via telephone
 - Video conference



Special Note

- ◆ Electronic communication must not be used to circumvent the spirit or letter of the Open Meeting Law
- ◆ NRS 241.016(4)



Serial Communications Prohibited

"[A] quorum of a public body using serial electronic communication to deliberate toward a decision or to make a decision on any matter over which the public body has supervision, control, jurisdiction or advisory power violates the Open Meeting Law. That is not to say that in the absence of a quorum, members of a public body cannot privately discuss public issues or even lobby for votes. However, if a quorum is present, or is gathered by serial electronic communications, the body must deliberate and actually vote on the matter in a public meeting."

Del Papa v. Board of Regents, 114 Nev. 388, 400 (1998)

Watch Out for “Walking Quorum”

NRS 241.015(3)(a)(2)

- ◆ If public body’s members engage in **series** of gatherings at which:
 - (I) Less than a quorum is present at any individual gathering;
 - (II) The members of the public body attending one or more of the gatherings **collectively constitute a quorum**; and
 - (III) The **series** of gatherings was held with the **specific intent** to avoid the OML.

Exception: Attorney-Client Communications

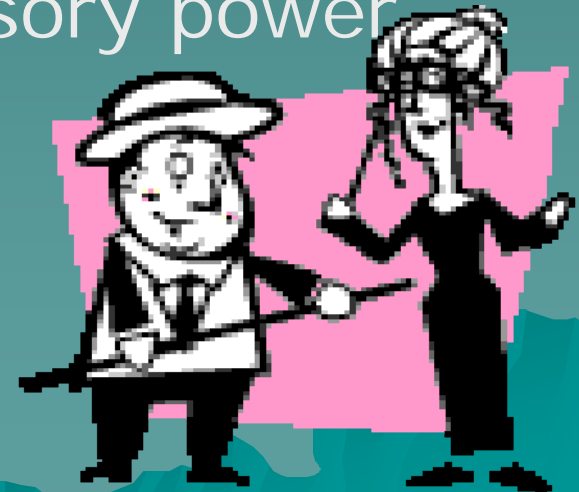
- ◆ Quorum of board members may gather to receive information from the public body's attorney regarding potential or existing litigation, and to deliberate toward a decision= NOT a meeting
 - NRS 241.015(3)(b)(2)
- ◆ E-mail communication with the board's attorney= generally NOT a meeting
 - But do not hit "Reply All"

Social Function

NRS 241.015(3)(b)(1)

Don't turn a party into a meeting!

- ◆ Even if a quorum is present, social functions are NOT meetings, as long as the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.



Notice

NRS 241.020

- ◆ Content
 - Remember: Right of the public to know
 - Day, Time, Place (include room)
- ◆ Posting
 - Four prominent places
 - Including place of meeting
 - Websites
- ◆ Mailing
 - subscription
- ◆ 3 Working Days (by 9 a.m.)
 - Not day of the meeting
 - Not weekends and holidays



Agenda

NRS 241.020

- ◆ Clear and Complete (stringent standard)
 - Could your neighbor understand what is going to happen at the meeting?

- ◆ Information v. Deliberation v. Action
 - Informational Discussion
 - Deliberation
 - ◆ Collectively examining, weighing and reflecting upon the reasons for or against the action.
 - ◆ Includes collective exchange of facts preliminary to ultimate decision.
 - Action
 - ◆ Decision, commitment or promise, affirmative vote

- ◆ Stick to the Agenda



Action—Voting Minimums

- ◆ If a public body has a member who is not an elected official, an affirmative vote taken by a majority of the members **present** during a meeting of the public body
 - NRS 241.015(1)(c)
- ◆ If all the members of a public body are elected officials, an affirmative vote taken by a majority of all the members of the public body
 - NRS 241.015(1)(d)

Public Comment

- ◆ Public comment is welcomed during a block of time at the beginning and end of the meeting
- ◆ Cannot restrict a speaker's viewpoint
- ◆ But conduct that disrupts the meeting's order, efficiency, or safety may be limited
- ◆ Board cannot deliberate or take action in response to public comment, unless it's already on the agenda

Materials Available to the Public

- ◆ Agenda
- ◆ Supporting Materials
 - Before the meeting
 - On the day of the meeting
 - Upon being available to the “public body” supporting materials must be made available to the public.
 - Confidential support material must relate to proprietary information under NRS 332.025, and does not need to be disclosed to the public.
- ◆ Can be made available by e-mail if the requester approves

Minutes and Recordings

NRS 241.035

- ◆ Minutes:
 - Must be available within 30 working days after the meeting
 - Must be retained for five years
 - Minutes of closed meetings may be released only with the consent of the person
- ◆ Recordings:
 - A meeting must be audio recorded or transcribed by a court reporter
 - Must be retained for one year



OML Violations

- ◆ Action taken in violation of the Open Meeting Law is **void** - NRS 241.036
- ◆ If convicted of an OML violation, a member of a public body **vacates their seat** – NRS 283.040(1)(d)
- ◆ Serious violations of the OML can result in **misdemeanor** charges



Corrective Action

- ◆ If an OML violation occurs, the public body may take corrective action within 30 days
- ◆ Violations, as determined by the Attorney General's Office, must be reported on the next agenda

Enforcement

- ◆ Attorney General's Office has primary jurisdiction to enforce OML
- ◆ AG may bring a legal proceeding to void an action allegedly taken in violation of the Open Meeting Law; or to obtain an injunction to prevent violations of the Open Meeting Law
- ◆ A private citizen may also bring a legal proceeding

Golden Rule of OML

- ◆ If the public body is not sure whether a certain act should be done in the open, it should ALWAYS perform that act at a properly noticed open meeting.

Sources of Information

- ◆ NRS Chapter 241
 - Google NV Legislature– Law Library– Nevada Revised Statutes
- ◆ NRS Chapter 241 case law annotations
 - Available at local law library
- ◆ Published opinions from the Attorney General's Office relating to the OML
 - Available online at <http://ag.state.nv.us>



Additional Sources of Information

- ◆ Letters issued by the Attorney General's Office after investigation of OML complaints
 - Available on line at <http://ag.state.nv.us>
- ◆ Open Meeting Law Manual published by the Attorney General's Office
 - Available on line at <http://ag.state.nv.us>

But wait... there's more!

- ◆ Don't assume that other public body members will be able to spot every issue!
- ◆ Discuss any questions/issues with legal counsel

Any Questions

