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***2002 ANNUAL REPORT OF
CLARK COUNTY LEGAL SERVICES PROGRAM, INC.***

It is with great pleasure that I present the 2002 Annual Report of Clark County Legal Services Program, Inc. The mission of our organization is to provide access to justice to individuals who cannot afford an attorney. We are fortunate to have a team of dedicated professionals who work every day to make this a reality. In 2002, we provided help to over 10,000 individuals. I am glad to share our accomplishments with you. If you any ideas or issues you want to share with our organization, please contact us!

Sincerely,

Betsy Gonzales
President of Board of Directors
Clark County Legal Services Program, Inc.

CLINICAL PROGRAMS

During 2002, 2,764 residents of our community attended free Legal Education Classes. This number represents an increase of more than 1,000 attendees over the prior year. The total number of persons served by this cooperative effort with the William S. Boyd School of Law, since the inception of the program in 1999 is 6,387. At the end of August, 2002, the program took a two week hiatus to allow the law school to move to its new facilities on the UNLV campus. Five of the six Community Legal Education classes offered for the fall term were held at the beautiful new William S. Boyd School of Law campus. There was initially some concern that parking at UNLV might pose some difficulty; however, the class attendance has remained steady with the Saturday classes showing a slight increase in attendance. Approximately 2000 class flyers were distributed to government offices, libraries, courts, service organizations and various public and private businesses.

The Legal Education Classes are offered free to the public in six areas of law, guardianship, bankruptcy/financial counseling, family law, family law forms preparation, paternity/custody, housing and small claims. The classes are supervised by an attorney and are taught by the law students from the William S. Boyd School of Law. Kendal Sue Bird-Adams, our Director of Community Services is the coordinator of the program for CCLS and also supervises many of the classes.

We were excited to introduce two new classes in the fall term providing live instruction in Spanish on the topics of family law and paternity/custody. The classes, led by Silvina Gimenez, CCLS Bilingual Paralegal, were conducted once each week at CCLS, and were a huge success. CCLS will continue to offer these classes in 2003. Previously Spanish speaking attendees to the classes had the opportunity to use a Spanish course manual and view a videotape presentation recorded in Spanish; however, these new classes have allowed the attendee to interact with the instructor to obtain additional assistance for their legal concerns.

In 2003, the Legal Education Program will re-introduce the Housing Classes on a full-time basis, focusing on Landlord/Tenant issues. Relocation of the class to the Housing Self-Help Center resulted in greater community response this past November.

Attendees to all the classes are given a manual containing basic legal information and procedures, samples of necessary documents and a resource guide

including website addresses for the particular area of law. The attendees do not become experts in the field of law but they do become familiar with the forms and procedure. Participants are invited to return to the class as often as is necessary and we have been pleased that a number of attendees have come back to report their successes. Many attendees to the Legal Education Classes simply need assistance in completing their own forms for uncontested divorce, or to bring their matter before the court. Attendees who might otherwise need Pro Bono assistance are often able to help themselves on simple matters allowing the Pro Bono resources to be available for more serious needs. The feedback for all the classes has been overwhelmingly positive.

The Lawyer/Law Student Mentor Program, matching law students from the William S. Boyd School of Law at UNLV with area attorneys was a great success. During 2002, 17 students were matched with attorneys to provide legal service to low income clients from the Pro Bono Project. Each law student/lawyer match will be assigned a Pro Bono Case to work on throughout the semester. The Mentor Program allowed 17 additional people to be served by the Pro Bono Project during the spring term. The program continues each Spring.

PRO BONO PROJECT

At the end of 2000, the Lied Foundation issued a unique challenge grant to Clark County Legal Services: it would pay off our mortgage if we matched the contribution in volunteer hours from private attorneys. 2002 marked our final year for the Lied Challenge Grant. By the close of 2002, we logged in 4,550 hours of pro bono work from lawyers. In light of this success, the Lied Foundation paid off the balance of our mortgage! All in all, we secured the total \$1.3 million dollar challenge grant thanks to the efforts of Clark County lawyers.

To achieve this goal in 2002, our statistics are as follows:

- 260 cases were placed with pro bono attorneys.
- 198 attorneys took new cases.
- 185 lawyers contributed to our volunteer hours.
- 4,777 hours of pro bono work was performed through our agency as of 12/24/02.*

*last year's figure of 5,000 hours was calculated in March 2002.

Because of the tremendous number of individuals still without legal help, we are focusing our efforts on recruiting lawyers who work in different segments of the legal community that traditionally have not performed pro bono work. We are currently working on a Public Lawyer campaign to recruit government lawyers to accept pro bono cases. Similarly, we are working with the Eighth Judicial Pro Bono Foundation on getting the larger law firms more involved with pro bono work. Our goal is to have every lawyer in each of the large law firms take one pro bono case a year.

To honor the lawyers who helped contribute to our success in 2002, we had an Awards Luncheon in December. This was done in conjunction with the Clark County Bar Association's monthly lunch meeting. The event was a huge success. Over 450 people attended the event which far exceeded the 300 in attendance the year before. We were fortunate again to have state and federal judges, community leaders and federal, state and local politicians.

The award recipients were as follows:

Lied Awards

Most Hours for Attorney:	Stephen J. Peek
Most Hours for Law Firm:	Dickerson, Dickerson, Consul & Pocker
Most Cases for Attorney:	Joe Laxague
Most Cases for Law Firm:	Jones Vargas

Pro Bono Attorney of the Year:	Edward L. Kainen, Ecker & Standish
Pro Bono Small Law Firm of the Year:	Gonzalez & Associates
Pro Bono Large Law Firm of the Year:	Jolley, Urga, Wirth & Woodbury

Judge Sally Loehrer Award:	McDonald Carano Wilson
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Louis Weiner Service Award:	Cynthia R. Taylor
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Myrna Williams Children's Pro Bono Award:	Wayne Hardy
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Clark County Legal Services Award:	Lionel, Sawyer & Collins
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100 Hour Club

Michelle Darquea
Denise Gentile
James Jimmerson
Jeff Kerane
Aurora Maskall
Greta Muirhead
Davorin Odracic
Stephen Peek
Cynthia Taylor

50 Hour Club

Kim Boyer
Elizabeth Brennan
Ken Hall
Allison Herr
Ed Kainen
David Lane
Jenny Parker
Jeff Posin
Wayne Price
Chris Reade
Patrick Sheehan
Chris Tilman
Sean Waters

We had our second "Basics of Family Law" CLE where we gave attending lawyers 3 free CLE hours if they agreed to take a pro bono case. Twenty-three cases were placed during this event in November. The presenters this year were: Kendal Sue Bird, Edward Kainen and Judge Ritchie. We are planning a similar event in February for Representing Abused/Neglected children. The speakers will be: Steve Hiltz, Katherine Landreth and Judge Hardcastle.

We are pleased with the work of our Pro Bono Program in 2002. We hope to increase the number of participating attorneys in 2003.

CHILDREN'S ATTORNEYS PROJECT (CAP)

2002 marks the third full year for our Children's Attorneys Project. The Children's Attorneys Project was formed to give a voice to abused and neglected children in our protective services/foster care system. Each year, over 1,800 children in Clark County are taken into protective custody due to abuse or neglect. In most communities, each child has an attorney --someone to fight for their interests. Las Vegas was one of the few large metropolitan areas without such a project. We are proud to begin to change that; in 2002, we represented 517 children.

In 2002, we added a new attorney to our program. Christina Smith became our fifth CAP attorney in a newly created position, allowing us to serve more children in the system. Christina is a new graduate from the University of Washington Law School. While in law school, she represented children in a Child Advocacy Clinic.

The matter of Mark and William A., 11 and 12 year old brothers, is an excellent example of DCFS's continuing to ignore the federal mandate that neglected children be placed in a "family like" setting. It is also an example of DCFS treating victims of neglect and abuse as behavioral problems. The boys came into care as a result of long time drug abuse and general dysfunction by their father. It is clear that they are going to grow up under State care. The caseworker refused to consider a "family like" foster home for them due to very minimal behavior problems while at Child Haven. Over CAP's objections, the boys were placed by the Hearing Master in a group home. I held off "appealing" this decision to our Juvenile Judge as a result of the boys initially enjoying their placement. After a number of months, marked by very good behavior, the boys started to demand that they be placed together in a foster home. This was opposed by the group home and the DCFS caseworker, since they were doing well but "had a ways to go". This, of course is most disingenuous, since if they were not doing well, their request would be opposed on that basis. Last month, after a long Court review, we were able to convince the pro tem sitting Judge to order DCFS to immediately seek a family like foster setting for them.

CAP represents a young adult who just turned 18. She was residing at Desert Willow Treatment Center but was told that she could not remain even one day past her 18th birthday. Through our investigation we learned that she could remain at Desert Willow as long as she was attending school. However, the psychiatrist at Desert Willow determined that she should go into the adult mental health system. He

threatened to walk her over to adult mental health on her birthday and have her committed to a locked adult facility. The psychiatrist admitted that she did not meet the criteria for long term commitment and would likely be released, perhaps to the streets, within 72 hours. We filed an emergency motion to determine appropriateness of placement. However, the day before the hearing, Desert Willow had her admitted on a psychiatric hold to Southern Nevada Adult Mental Health. The Court was very upset with the handling of the case and required all parties to come back the next day with an appropriate discharge plan. We worked with Adult Mental Health to have our client placed in an adult group home the very next day.

Client is a 17 year old girl who is due to give birth in February of this year. She had been living with her grandmother in Kentucky under a guardianship since she was a toddler. She had plans to be married to the father of her baby. Shortly after the death of her grandmother, and with no notice, Kentucky social services showed up at her house and put her on a plane to Nevada, where her original abuse petition was filed. Client's petition for emancipation is to be heard this week. With hope she will be on a plane back home within the week.

CAP represents an eleven year old boy who was placed at Oasis for the last year and a half. When we became involved, he was expected to remain in a residential treatment setting for the rest of his life. Also, he had not seen his mother in almost three years because professionals involved erroneously believed that the mother's rights had been terminated. Over the course of many months we worked to convince all involved that this child should have visits with his mother and should have a chance to live in a family foster home. Our client had his first visit with his mother on December 16th and the therapist says that the visit went very well. Ongoing visits are planned and our client will move into a family foster home shortly after Christmas.

The Children's Attorneys Project hopes to expand its representation of children until every child has an attorney. They deserve to have their voice heard!

CONSUMER LAW

In 2002, our office continued to receive numerous consumer complaints. On average, our consumer hotline receives 80 calls a week. Most of our consumer complaints involve car dealers, payday and/or auto title pawn lenders, and predatory

lending/home equity skimming. Several cases in litigation were favorably resolved during 2002.

Ureno v. Towbin Dodge and Wells Fargo was a federal lawsuit on behalf of a 19-year-old girl, a life long special education student with significant reading and math comprehension disabilities. She was sold a car she could never afford based on an alleged dealer falsified credit application. After extensive litigation, the federal Magistrate conducted a settlement conference where the case was settled for a confidential amount on an amicable basis to the satisfaction of the parties.

Cordova v. KOI of Las Vegas, Inc. and AVCO Financial Services was a federal lawsuit for violations of Truth in Lending Act and other state law causes of action in the sale of a used car. The case was resolved for a confidential amount after the Court granted our motion for summary judgment on one Truth in Lending Act (TILA) claim and awarded statutory damages of twice the finance charge, plus all attorney fees and costs to date. Further, the Court granted our motion for sanctions for dealer's production and use of falsified evidence in the case! The Court awarded \$5K plus all fees and costs to date as sanctions. The case was settled after the Court denied defendants' request for interlocutory appeal.

Peron v. Hughes was a federal lawsuit for odometer violation and fraud in the sale of an undisclosed rebuilt wreck for \$4,500. We obtained a \$30,000 settlement with two of the three defendants. A default bench trial as to third defendant resulted in a judgment on March 1, 2002 based on fraud against defendant awarding \$47,175.00 actual damages, \$7,798.98 prejudgment interest, \$50,000.00 punitive damages, \$15,000.00 attorney fees, and \$2,948.55 as costs.

Deleon v. Shack Findlay Honda and Bank of America was a state court lawsuit in a case involving alleged phony denial of repairs under service contract on a used Honda Accord purchased by client, which culminated in client being induced to lease a new Honda CR-V based on alleged misrepresentations and a dealer falsified credit application. The case was settled for a confidential amount and an agreement to clean up the client's credit report.

Haro v. The Money Man was a class action lawsuit against a payday lender who was operating without a license from the Division of Financial Institutions and allegedly failed to provide all Truth in Lending Act disclosures. The case settled on a class wide basis returning all finance charges collected and payment of a portion of the attorney

fees.

Johnson v. Eubanks involved an elderly, disabled woman who was allegedly conned into signing over her home to a mortgage broker, who then mortgaged the residence to \$60,000.00 and then defaulted on the loan. In a Court action, CCLS prevented the foreclosure, had the property reconveyed to our client, and arranged the refinancing of the property.

Herndon v. Lighthouse Financial involved a car title pawn loan. Suit was filed in state district court for conversion and statutory violations committed after the client defaulted and lender repossessed her vehicle. Lender prevented client from redeeming her car, gave unlawful notice, and charged late fees which we contended were void as a penalty. In court annexed arbitration program, the Arbitrator awarded over \$22,000. Defendant has requested trial de novo.

WFS Financial v. Andrews involved an alleged deficiency owed by a car buyer to a lender after repossession. The clients were an elderly, disabled couple who were able to show they were not in default under the contract on the date of repossession (less than 30 days late). A motion for summary judgment against the clients was pending when CCLS was contacted. CCLS filed a counter-motion for summary judgment, a request to amend the answer to assert a counterclaim, and a motion to transfer to District Court because the counterclaim worth more than \$7,500. The case was settled on the basis of forgiveness of the alleged deficiency plus payment to the clients of \$2,000.

Dozens of other cases were resolved without litigation being filed. Additionally, several more cases have been filed which next year we hope to report were favorably resolved.

SOCIAL SECURITY AND DISABILITY

The Social Security Department of Clark County Legal Services had a successful year. Overall, we gave advice and/or representation to 368 individuals. We conducted 73 hearings before Administrative Law Judges. Disability income is very important to those unable to work; we are glad to have been of service to individuals who need help.

In 2002, we saw our lead Social Security paralegal, Carole Romero, retire after 15 years of service with Legal Services. Carole had an exceptional understanding of

Social Security law as well as their rules and procedures and was highly respected by her peers and by the judges and staff at Social Security. We will miss her knowledge, compassion, and institutional memory. We paid tribute to her at a retirement dinner and will miss her immensely. We hired Juan Nunez, a former Legal Services paralegal, who is learning all the new Social Security law and procedure since his last foray into the area. Robert Fleming and Noel Anschutz continue their work in this area as well.

A typical instance of someone helped in this program is:

Scott A. - Scott was referred to CCLS by Social Security for representation at his disability Hearing. Scott claimed disability due to: post-traumatic stress disorder, major depression, and paranoia as a result of years of physical and mental abuse by his father, which involved "staking" him out in the yard and then using him for target practice with a rifle until Scott lost control of his bowels and bladder. As a result of this abuse, Scott developed severe mental problems and drifted into drug use as well. At the time of his Hearing, one issue preventing Scott from being adjudged disabled was his use of marijuana to relieve the stress he suffered from. At a subsequent Hearing, the marijuana usage was determined not to be a contributing factor to his disability and Scott was declared to be disabled and is now receiving benefits and regular psychiatric treatment.

Another individual assisted is:

Richard H. - Richard was also referred to CCLS by Social Security for representation at his Hearing to determine his correct date of birth and age, and whether he was eligible for Social Security benefits. According to Social Security and the state of New York, Richard's year of birth was listed as 1942 as opposed to the year he was actually born, which was 1937. It was later discovered that the confusion surrounding Richard's date of birth was the result of a family scandal following the birth of a second son in 1942, following Richard's mother's brief affair with her employer. The circumstances surrounding the child's birth were kept secret for sixty years since the baby was given up for adoption soon after his birth. Richard's mother attempted to conceal knowledge of the baby's birth by giving him the same name as Richard and using the second baby's birth certificate for Richard since one was never filed at the time of his birth. After obtaining affidavits from surviving relatives and other records stating that he was born in 1937, CCLS appeared at a Hearing with Richard before the Administrative Law Judge. Following a review of a brief prepared by CCLS, the Administrative Law Judge

concurred that Richard's actual date of birth was in 1937 and ruled in his favor, declaring him to be age 65, thus allowing him to begin drawing his Social Security.

DOMESTIC VIOLENCE PROGRAM

2002 marks the first full year of operations for our domestic violence program. In 2002, CCLS expanded direct legal assistance to victims to include obtaining, extending, domesticating and enforcing protective orders in the Eighth Judicial District Court, Family Division and Las Vegas Justice Court; modifying, vacating and domesticating custody orders; obtaining divorces; enforcing child support orders; and counseling battered immigrant about immigration relief based upon their marriage to a United States citizen or legal permanent resident or a recent incident of violence against them.

In 2002, we hired a new domestic violence attorney, Veronica Thronson. Veronica came to us from New York where she was the Director of the New York Immigration Coalition. She relocated to Nevada when her husband accepted a law professorship at UNLV Boyd School of Law. Also during 2002, CCLS continued to train advocates and volunteers at Safe Nest and SAFE House, and the victim/witness advocates for the Las Vegas City Attorney and the Clark County District Attorney on a variety of legal issues/remedies, including domestic violence in the workplace, advanced strategies for protection order drafting and enforcement, and obtaining child support and other financial relief for victims of domestic violence.

Our office also began providing monthly Spanish-language classes on family law. In addition, CCLS began providing special monthly classes on divorce/paternity and custody law to victims of domestic violence at the counseling offices of SAFE House and Safe Nest and their Henderson and Las Vegas shelters. CCLS also organized and hosted the Second Annual Battered Immigrant Summit in May, 2002.

CCLS began to work extensively with other agencies on issues relating to domestic violence. Our office undertook some representation in child support issues to better understand the options available to our clients. We developed Spanish-language instructional materials to accompany child support establishment/enforcement applications. We gave presentations on protection orders against domestic violence to the Nevada Department of Aging, Elder Protective Services which led to requests to counsel and advise from various elder group home residents and staff.

Our Domestic Violence unit gave many presentations this past year, including:

- Clark County Commission Senior Fairs where the presentations included information on CCLS services for seniors and victims of domestic violence and elder abuse.
- Women's Development Center where CCLS services were explained and we obtained information on WDC housing options for DV victims.
- Nevada Welfare Division where Wendy Kameda negotiated streamlining application process for victims and procedures for victims to invoke the "good cause" exception to child support enforcement.
- U.S. Postal Service meeting which included a discussion on mail tampering and mail forwarding issues, and negotiated with local Director for change in USPS policy/procedure where a TPO involves co-workers.
- Clark County Sanitation District, we negotiated with local Facilities Manager for change in CCSD policy/procedure where a TPO involves co-workers
- Family Mediation Center where our DV attorneys met to discuss domestic violence protocol and FMC policy to allow DV advocates to attend (without participating) court-ordered FMC mediations and waiver of FMC fees.
- Outreach to Las Vegas Paiute Tribe included discussions on domestic violence cases and jurisdictional issues in obtaining relief for victims of domestic violence.
- Membership in Community Organizations included all our DV attorneys regularly attending monthly/semi-monthly meetings of the Southern Nevada Domestic Violence Task Force and the Community Coalition for Victims Rights.
- Clark County Commission Task Force on a Consolidated Domestic Violence Court; members of the Process Subcommittee and the Legislative Task Force included Barbara Buckley and Wendy Kameda; we developed initiative for Virtual Central Resource Center and obtained agreement of Clark County and Agassi Foundation to develop and implement Internet and printed materials for this purpose.

Additional presentations included:

Child Support Enforcement for DV victims and Nevada Network Against Domestic Violence 9th Annual Domestic Violence Conference.

Second Annual Battered Immigrant Summit which focused on legal rights of immigrant domestic violence victims.

Las Vegas League of Women Voters we met with a panel member to discuss initiatives and proposals to increase services to victims of domestic violence.

Nevada Chapter of the College and University Professional Association for Human Resources presentation on domestic violence in the workplace and employer remedies.

Safe Nest Conference on Enhancing Unity in Community Approaches to DV in which Wendy Kameda gave her presentation on incomplete remedies and workplace domestic violence.

Domestic Violence Prevention Council presentation included discussion of CCLS services, the Domestic Violence Program and promising initiatives.

Safe Nest Victims of Crime Week Annual Seminar dealt with legal issues for victims suffering domestic violence in the workplace.

UNIVISION: Veronica Thronson was interviewed for Spanish Language television feature on child support problems faced by Latinas.

In addition to our CCLS presentations, we participated in many collaborative efforts, including:

- A Conference on Criminal TPO Enforcement, participants included Judge Steele, Commissioner Doninger, Nancy Hart (NV-AG), Ben Little (LV City Atty), Bret Simpson (LVMetro) and Abbi Silver (CC-DA).
- Marvin Snyder & Associates and their commitment to pro bono assistance to DV victims of CCLS
- Sprint of Nevada included a discussion on how Sprint can assist DV victims and was attended by all out DV attorneys.
- Agassi Foundation where Wendy Kameda obtained a commitment for funding of publication start-up costs for printed materials needed for the Virtual Central Resource Center.
- Battered Immigrant Protection Project; In 2002, CCLS continued to help battered immigrants obtain immigration relief under the

Violence Against Women Act and filed one of the first "U" Visa applications in the State of Nevada (for a battered immigrant who failed to qualify for a VAWA petition). CCLS also gave training on "U" Visas to advocates for Safe Nest and SAFE House, and the Domestic Violence detectives for the Las Vegas Metropolitan Police Department

Some of our accomplishments this last year included:

Divorces: Obtained divorces for 16 clients, 9 of which were Spanish speaking only.

Protective Orders: Obtained stalking and harassment protective order in Justice Court for 1 client and protective orders against domestic violence for 2 clients.

Extending TPO's: Extended TPO's for one year for 16 Spanish speaking clients.

OSC: Represented 14 clients at hearings for orders to show cause obtaining modifications of protection orders, wage assignments and actual jail time for perpetrators.

Child Custody: Represented 2 clients in post-Decree proceedings to modify child custody orders for Spanish speaking only clients.

Counsel & Advice: Gave counsel and advice to at least 38 clients who could not income qualify for direct legal representation.

Representative Cases: Most of our cases involved very sad facts with a high percentage evidencing domestic violence against the mother and physical and/or sexual abuse against a child in the household. Many of the battered immigrants we represented in Family Law matters also required assistance with the INS, District Attorney Child Support Division and Welfare.

Carol B.: EPO/OSC hearing. DV victim whose batterer broke into her home after TPO issued, stealing medication, clothing, jewelry and automobile (purchased before marriage); because client was married to batterer, LV Metro-Burglary did not intervene and client was unable to get batterer served with the TPO (to extend her TPO) or the Affidavit to Show Cause (to get an order giving her rights to her car). Outcome:

Batterer arrested in California, automobile returned to client, TPO extended for 1 year.

LaTosha J: OSC hearing. DV victim who was harassed continuously for 4 months by telephone calls (at work and home, at all hours) and 2 separate acts of vandalism to her car (set on fire and concrete rock thrown through windshield with all 4 tires slashed). Outcome: 175 days in jail for contempt.

Carolina S: TPO application. DV victim was 16 year old daughter and 9 year old sisters (twins) who were sexually and physical abused in California by client's former husband who had filed an OSC in CA seeking return of daughters. Outcome: NV denied jurisdiction, temporary TPO granted, CCLS obtained representation for mother at OSC (LA public defender) and to get custody for client (legal aid) and to get CA police/CPS to open a criminal investigation into abuse (LA County Counsel).

Robert M: FOIA case. Drafted FOIA request to INS on behalf of elderly, Spanish speaking only man, seeking social security benefits. Outcome: Obtained INS documentation showing legal residency status so client can obtain SSI benefits.

Elizabeth B.: Counsel to Afghani DV victim, obtained legal counsel in Alaska to defend divorce action there, assisted client in investigatory interviews conducted in Las Vegas by the FBI, Military Intelligence and the INS, post 9-11.

Bates vs. Dingess : Represented mother in Family Support Court (with DA) on father's motion to modify (and significantly decrease) child support payments. Obtained denial of reduction of child support payments, increase in amount of monthly support, and reinstatement of arrears payment that was previously suspended. Worked with New York based employer to obtain correct withholding, in compliance with federal and state child support enforcement guidelines.

DeBruyne v. DeBruyne: Post- Decree hearing. Represented victim at evidentiary hearing in contested change of custody motion whose batterer stole her dogs, stalked her all the way to a women's shelter then filed for change of custody once victim fled the state. Obtained belated permission to leave the state, maintained joint legal custody and primary physical custody in favor of the Plaintiff.

Madrigal v. Rivero: Post-Decree hearing to Modify Custody/Visitation. Client was a mother, living in Florida, who "abandoned" children, sought modification of decree provisions on custody/visitation for daughter and son. Motion drafted by FL

attorney citing incorrect legal standard, filed without support Affidavits. Outcome: CCLS obtained supporting affidavits, appeared at the hearing, negotiated with opposing counsel for a change of custody for daughter, re-opened custody investigation for son, with scheduled, regular telephonic and track break/vacation visitation.

Villanueva v. Villaneuva: Represented Spanish speaking only, DV victim/shelter resident. Outcome: Negotiated Divorce Decree to include findings on DV so that client may apply for immigration relief under the Violence Against Women Act.

Hemenway v. Hemenway: Represented victim whose husband has raped his stepdaughter obtaining sole custody, no visitation, and awarded of 2 pensions to client (QDROs).

Okuda v. Wright: Represented battered immigrant for VAWA petition, Divorce, and Protection Order Against Domestic Violence.

IMMIGRANT PROTECTION PROJECT

The Immigrant Protection Project continued to help battered immigrants escape their abusers, legalize their status, and gain work authorization in 2002. October of 2002 marked the first anniversary of the Immigrant Protection Project. Our first full year of operation was filled with many successes.

In 2002, one of our goals was the refinement of our VAWA (Violence Against Women Act) classes. We improved the classes by changing the presentation format and by providing attendees more information about the entire application process, not just what happens at the beginning. Additionally, we updated our manuals with the latest changes in immigration law. As word of our project continued to spread, we saw the number of class attendees increase. When we first began our classes, most of our clients were from Latin America. In 2002, we assisted clients from all over the world including Central America, South America, Asia, Central Europe, Eastern Europe, Western Europe, and Indonesia.

Another goal in 2002, was our continued education in area of immigration law. To that end, members of the project attended several "advanced VAWA" training seminars throughout the year, including the American Immigration Lawyers Association major training event. In this way, we have been able to keep up to date

on the frequent changes in immigration law and policy and we have been able to develop good relationships with national experts and immigration officials to consult with when necessary.

Perhaps our greatest success in 2002 has been our 100% petition approval rate. To date, all petitions filed have either been approved or have been found to have established a prima facie case, pending final decision. For our clients, this means an opportunity to live a productive life free from fear of abuse and deportation. Here are some of their stories:

Client's applications for work authorization and temporary legal status were granted by INS. Client had endured repeated physical and sexual abuse at the hands of her spouse. Client's child was chronically sick and client was forced to borrow food and medicine from a neighbor for the child because the spouse refused to provide for them. Client was so overjoyed at the idea of being permitted to work that she could not speak.

Client had endured severe physical and emotional abuse at the hands of her husband. Client's husband regularly broke into her home and abused her, breaking bones and leaving cuts, and then refused to bring her to the hospital. Client could not move from the apartment because she could not work and had no money. Client's applications for work authorization and temporary legal status were granted by INS. Client plans to get a job and re-enroll in school.

Client's husband became physically and verbally abusive when he consumed alcohol. Client fled husband and sought refuge in a domestic violence shelter. After staying at the shelter as long as possible, client has moved from home to home staying with friends. Client's applications for work authorization and temporary legal status were granted by INS. Client is looking for employment. Client's husband has sought treatment for his violence and anger issues. Client is cautiously hopeful that her new independence and her husband's treatment may allow a healthy relationship between them.

Filed a VAWA petition for a U.S. Citizen wife who was physically and emotionally abused by her husband. Her husband and his divorce attorney used her lack of immigration status to force her on signing a joint petition for divorce where husband got sole legal and physical custody of their 3 year old daughter.

P.W. was our first VAWA client. Her husband had abused her physically and emotionally in front of their young daughter. The abuse culminated in an event at a local park where the husband threw a beer bottle at the stroller with the child in it, and instead hit our client in the head. Client had attempted to leave husband once before, an action in contravention of her religious beliefs, but husband informed client's mother, who had a stroke upon hearing the news. This prompted client to return to husband. Client came to us for assistance in filing her VAWA petition and application for a work permit, so that one day she would be able to gain independence from her abuser. Client's petition was approved, giving her temporary legal status. We will now assist her in adjusting her status to that of lawful permanent resident.

Client and her son were both subjected to severe beatings by her spouse. Client's husband had a family member working on the police force. Husband called this family member and had client arrested for domestic violence, despite the fact that client was covered with bruises and other marks. This normally would be a bar to VAWA approval, however, with our help, client was able to show that she was in fact the victim, and her petition was approved.

In addition to continuing our work, we have three main goals for 2003. First, we anticipate that many of our approved clients will be eligible to adjust their status from temporary legal resident to lawful permanent resident. It is our plan to assist as many of our clients as possible with this process. Second, many of our clients come to us in very desperate circumstances without resources of any kind. We plan on developing a strong network with other agencies in the community so that proper referrals can be made and our clients can get all of the assistance they need. Finally, many of our clients have children who are either witnesses to abuse, or victims of abuse themselves. We would like to focus on ensuring that these children are also obtaining immigration and other relief to which they are entitled. To those ends, we will target outreach and training on services available to children. In conjunction with the Children's Attorneys Project we will educate social services agencies about issues surrounding immigrant children victims of abuse and file special immigrant juvenile petitions when warranted.

HIV LEGAL ASSISTANCE AND SPECIAL EDUCATION PROGRAMS

HIV PROGRAM

In 2002, Clark County Legal Services has continued to provide quality legal services and assistance to clients diagnosed with HIV or living with AIDS. This has included resolving and advising on social security, estate planning, landlord/tenant, employment and insurance issues. We also conducted an all-day training session for service providers on the Health Insurance Accountability and Portability Act and another confidentiality training day for outreach workers. CCLS has also been involved in the community by providing on-site legal services, through its paralegal, Noel Anschutz, at the Centralized Assistance Project.

CCLS has also provided countless hours of brief legal services and referrals to callers through its HIV Hotline which is coordinated by Ms. Anschutz.

SPECIAL EDUCATION

The Special Education program has continued to provide special education legal assistance to families whose children required specialized education services. The program has helped numerous families to receive the services required by federal and state. In all, ten families have received over 1,000 hours of compensatory education services and some have received additional related services such as independent evaluations, physical/occupational/speech therapy and other services needed by students to receive educational benefit.

In connection with other advocates and service providers, CCLS has opened up a dialogue with the Clark County School District and the Nevada Department of Education to begin to study the problem of physical abuse of children in the educational setting. Towards that end, we reviewed the almost 1,400 AB 280 incident reports that were filed by CCSD during the 2001-2002

school year to analyze data and determine whether the AB280 reporting system was having a deterrent effect on the use of physical restraints. We hope that the results of these efforts will affect CCSD's accountability and provide parents with viable options to be considered when their children are subjected to physical restraint in their schools.

CCLS continues to create more written resources for parents and advocates and has been conducting extensive research to reach this goal. The new Special Education Information and Resources Manual was completed and the resource file has expanded to include the most recent case law and policy decisions including the No Child Left Behind Act.

Eason/Witte v. CCSD - The School District rebuffed our settlement attempts and instead filed a Petition for a Writ with the United States Supreme Court. Our response was due on 1/13. We wrote a response and hope that cert will be denied.

Karen G. vs. CCSD - Due process hearing held on October 8 and 10, 2002 for the School District's failure to provide a behavior plan and to properly develop an Individualized Education Plan (IEP). Currently in settlement negotiations with Review Officer as appeal was filed on November 22, 2002.

Leslie P. v. CCSD - Re-filed due process for the School District's failure to properly identify a special needs child and suspending him from school. Case pending CCSD's Motion to Dismiss and Petitioner's Opposition and Motion for summary Judgment.

Tammy H. v. CCSD (Four cases) - Filed due process for two children who had been denied a proper Individualized Education Plan (IEP). Due process hearing for 7th grader who has been denied appropriate services scheduled for 1/23 & 1/24/03.

Elisa G. v. CCSD - Filed due process for the School District's failure to provide appropriate behavior plan to an emotionally challenged child who attended a segregated school until mother was forced to pull him out due to behavior issues. Comprehensive settlement reached where child will receive indefinite Homebound services, 60 hours of compensatory education and 40 hours of OT and PT with reimbursement to parents for all out-of-pocket expenses including additional assessments.

Debra R. v. CCSD - Filed due process for the School District's failure to provide appropriate related services and behavior plan to a mentally challenged child who attends a segregated school. The child had been physically abused by a staff member who was later relocated to another school. Case settled for 200 hours of compensatory education and independent evaluation at School Districts expense.

Missy Doe v. CCSD - Filed due process for the School District's failure to provide an appropriate IEP with academic and behavior goals for a child who had been physically abused by an aide in her previous elementary school. Hearing was dismissed due to procedural violations. Waiting for completion of educational assessment to re-file and child is receiving Homebound services as she is emotionally unable to return to school.

Nobumoto v. CCSD - Filed due process for the School District's failure to provide appropriate IEP, related services and behavior plan to an emotionally challenged second-grader. Case settled for appropriate IEP with goal of mainstreaming and inclusion of measurable academic/behavior goals. Settlement inclusion IEP scheduled for 1/7/03.

Ryan White Program

Jose C. - Waiting for hearing decision of social security matter for Spanish-speaking client who was examined by SSA psychologist on December 10, 2002.

Michelle T. - Assisting client with divorce and custody case.

Tanya P. - Assisting client with custody and support issues. Next hearing scheduled for 1/22/03.

Rheba W. - Prepared estate and guardianship documents for terminally ill elderly grandmother who cares for a child with HIV. Also assisting client with special education services for that child.

Johnson v. Walmart - Client was fired from five year position at Walmart for pretextual reason that he was "gossiping." Client believes he was fired for HIV status and witnesses and documentation can show that was the case. There are also possible FMLA issues related to his condition. Walmart has opened the case for investigation.

2003 CCLS STAFF

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