

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS
TO SUPREME COURT RULE 216:
CLIENT INTEREST BEARING TRUST
ACCOUNTS; CREATION OF
FOUNDATION.

ADKT 0479

FILED

JUN 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER AMENDING SUPREME COURT RULE 216

WHEREAS, on May 12, 2022, James W. Hardesty, Associate Chief Justice, and Kristina Pickering Justice, of the Nevada Supreme Court, filed a petition seeking to amend Supreme Court Rule (SCR) 216 related to interest-bearing trust accounts.

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on June 7, 2022; and

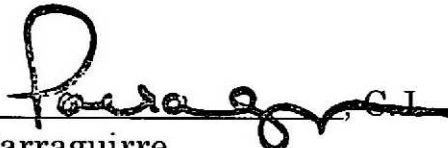
WHEREAS, this court concludes that the proposed amendments to SCR 216 are warranted; accordingly,

IT IS HEREBY ORDERED that SCR 216 shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that these amendments shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall

be conclusive evidence of the adoption and publication of the foregoing amendments.

Dated this 22nd day of June, 2022.


Parraguirre



Hardesty, J.


Stiglich, J.


Cadish, J.


Silver, J.


Pickering, J.


Herndon, J.

cc: Ann Morgan, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Brad Lewis, Director, Access to Justice, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Administrative Office of the Courts

EXHIBIT A
AMENDMENT TO SUPREME COURT RULE 216

Rule 216. Creation of a foundation.

1. The board of governors, with the approval of the supreme court, shall designate a tax-exempt bar foundation for the purposes of providing legally related services to the poor, to the victims of domestic violence, and to children protected by or in need of protection of the juvenile court; promoting or providing law-related educational programs for members of the public; and providing similar programs which qualify for tax-exempt status by the United States Internal Revenue Service under I.R.C. section 501(c)(3) or any additions thereto or amendments thereof. To carry out these purposes, the bar foundation may utilize the income accrued from interest-bearing client's trust accounts (IOLTA funds) as authorized by Rules 216 through 221, and as the supreme court may otherwise order.

(a) ~~[Substantially all]~~ Ninety-six percent of IOLTA funds, after adequate reserves (as approved by the supreme court) and reasonable expenses, shall be disbursed to civil legal service providers approved by the Access to Justice Commission for the purposes of providing legally related services to the poor, to victims of domestic violence, and to children protected by or in need of protection of the juvenile court. The remaining four percent of IOLTA funds shall be spent as the bar foundation deems appropriate, keeping in mind the purpose set forth in this rule.

(b) Among factors to be considered in disbursing the funds should be the geographic origin of the funds.

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