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2 IN THE SUPREME COURT OF THE STATE OF NEVADA  
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4 IN THE MATTER OF AMENDMENTS  
5 TO SUPREME COURT RULES 207-215:  
6 CREATION OF THE BOARD OF  
7 CONTINUING LEGAL EDUCATION,  
8 And IN THE MATTER OF AMENDMENTS  
9 TO THE REGULATIONS OF THE BOARD  
10 OF CONTINUING LEGAL EDUCATION.

ADKT NO: 0499

FILED

FEB 19 2019

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

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**AMENDED REVISED REGULATIONS FOR THE NV CLE BOARD**

In accordance with the joint meeting of the Nevada Board of Continuing Legal Education and the State Bar of Nevada together with the Justice James W. Hardesty, and the request that these amended revised regulations be provided to the Court in time for consideration by this Court on the 21<sup>st</sup> day of February, 2019, the Nevada Board of Continuing Legal Education ("CLE Board"), by and through Judge Lynne K. Simons, hereby provides this Honorable Court with its proposed Amended Revised Regulations, implementing the revised Supreme Court Rules as they pertain to the CLE Board. Please see Exhibit "A" attached hereto and incorporated herein by reference.

THIS DOCUMENT DOES NOT CONTAIN THE  
SOCIAL SECURITY NUMBER OF ANY PERSON.

Dated this 19 day of February, 2019.



Lynne K. Simons  
District Court Judge  
Second Judicial District Court  
and appointed CLE Board Member

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ADKT EXHIBIT A

# NEVADA BOARD OF CONTINUING LEGAL EDUCATION

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## REGULATIONS OF THE BOARD OF CONTINUING LEGAL EDUCATION

(Amended and effective on February 19, 2019, pending Supreme Court Approval)

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## REGULATION 1 DEFINITIONS/FEEES

As used in these regulations, the following terms shall have the following meanings:

1. *"Accredited educational activity"* means any formal educational activity which the Board deems acceptable, under these regulations, for credit toward the participant's completion of mandatory continuing legal education requirements as set forth in SCR 210.
2. *"Accredited Provider"* means a Provider of continuing legal education that has been granted such status by the Board pursuant to SCR 208(2) and Regulation
3. *"Active Member"* means any attorney who is required by Supreme Court Rules to comply with Supreme Court Rules 205-215.
4. *"Board"* means the Board of Continuing Legal Education created by SCR 207.
5. *"CLEReg"* means the Continuing Legal Education Regulators Association.
6. *"Credit or Credit-Hour"* means an increment of time of continuing legal education which is determined by the Board to constitute one sixty (60) minute hour toward the requirements of an Active Member as set forth in SCR 210 and Regulation 2.
7. *"Executive Director"* means the Executive Director of the Board.
8. *"Exemption"* means those members who qualify under SCR 214 for an exemption from the mandatory continuing legal education requirements of SCR 210.
9. *"Fees"*
  - A. \$40 Annual Fee paid by an Active Member
  - B. Application Fees for Course Approval:
    - i. 0.5 – 2.5 Credits - \$30
    - ii. 3.0 – 7.5 Credits - \$50
    - iii. 8.0 – 20 Credits - \$65

- iv. 20+ Credits - \$75
- v. Application Fees for Course Approval of Alternate Program Format [one (1) year only]
  - a. 0.5 – 2.5 Credits - \$60
  - b. 3.0 – 7.5 Credits - \$100
  - c. 8.0 – 20 Credits - \$130
  - d. 20+ Credits - \$150

- C. Late Submission Fee. \$50 fee paid by Active Member for late submission of application for program approval or by Provider for late submission of any required document.
- D. Returned Check Fee. \$50 fee paid by an Active Member or Provider for a returned check.
- E. Extension Fee. A \$100 fee paid by an Active Member who has not completed the required continuing legal education by December 31<sup>st</sup> which will allow the Active Member to complete the required continuing legal education by March 1<sup>st</sup>. The Extension Fee is nonrefundable.

10. *"In-house programs"* are defined as programs presented to Active Members by a Provider that is a government agency, law firm, company or similar entity to its own employed attorneys.

11. *"Non-Accredited Provider"* means a Provider of continuing legal education that has not been granted Accredited Provider status by the Board pursuant to SCR 208(2) and Regulation 5.

12. *"Other MCLE States"* means those states which have in effect a program of mandatory continuing legal education for attorneys practicing law in those states.

13. *"Provider"* means a provider of continuing legal education.

14. *"Regulations"* means these Regulations.

15. *"SCR"* means the Supreme Court Rules, as periodically amended by the Nevada Supreme Court.

## **REGULATION 2**

### **GENERAL REQUIREMENTS**

1. An Active Member may become entitled to Credit by engaging in any one of, or a combination of, the following kinds of educational activity:
  - A. Attending an approved program as set forth in Regulation 3.
  - B. Instructing at an approved program, including preparation for instruction as set forth in Regulation 10.
  - C. Writing or editing of articles or works approved for Credit by the Board as set forth in Regulation 9.
  - D. Participation in approved alternate format programs as set forth in Regulation 4.
  
2. Unless otherwise specified by the Board, attendance by an Active Member for each sixty (60) minute period at any approved program entitles the Active Member to one Credit-Hour toward the fulfillment of the continuing legal education obligation of the Active Member for the calendar year in which such attendance occurs.
  
3. The Board reserves the right to reduce the number of Credits for an approved program, if the instruction is completed in less time than was approved.
  
4. It is the responsibility of the Active Member seeking to obtain continuing legal education Credits to understand that only the Board can approve a program and only the Board can determine how many Credits will be awarded.
  
5. Except as provided below, Credit will not be given for delivering or attending keynote addresses, introductory comments, business meetings, breaks taken for refreshments or meals, including speeches or presentations made during meals. However, Credit may be received if the circumstances are such that:
  - A. The primary function is CLE;
  - B. There is a quiet and academic atmosphere that allows all members of the audience to easily hear the speaker(s); and
  - C. CLE is being presented during the entire time for which Credit is applied.
  
6. Credit will be given for question and answer sessions within a program.

7. If less than a Credit-Hour occurs, partial Credit must be rounded to the lowest one-half (1/2) Credit. Credits may not be received for less than a total of one-half (1/2) hour of attendance at any Accredited educational activity.

### **REGULATION 3 ACADEMIC STANDARDS**

1. A program, or other formal educational activity, may be approved by the Board if the following standards are met:
  - A. The program or activity must have as its primary purpose improving professional skills or competence of attorneys, furthering the education of attorneys in matters of their professional or ethical obligations, and/or improving the attorneys' efficiency in delivery of legal services to the client.
  - B. The program or activity must be an organized program of learning conducted by lawyers or other persons who have specific education, training, experience, or expertise in an area or topic, by reason of which the instructor is considered an expert in the subject matter of the program. Any program conducted or presented by an instructor who does not meet this requirement of expertise is rebuttably presumed not to qualify for Credit.
  - C. Thorough, readable, up-to-date (including citations) and carefully prepared written materials must be made available to all participants at or before the time the program is presented, unless:
    - i. The absence of such written materials is reasonable under the circumstances of the particular program or presentation to be made;
    - ii. The absence of such written materials is approved in advance by the Board. A topical outline without citations or explanatory notations is not sufficient to satisfy this requirement; or
    - iii. The program is one (1) hour or less.
  - D. The program or activity must be conducted in a comfortable physical setting conducive to learning and shall be monitored by the Provider for continuous attendance of the Active Member.

- i. Should an attorney in attendance witness an attendee to be in violation of these Regulations as to attendance, it is the professional obligation of the attorney witnessing the alleged violation to submit such information concerning the alleged violation to the program monitor. If no action is taken by the program monitor, it is the professional responsibility of the attorney witnessing the alleged violation to report the conduct to Bar Counsel for the State Bar of Nevada. See NRPC 8.3.
- ii. Pursuant to NRPC 8.4, it is the obligation of the attendee to comply with the attendance Regulations as set forth above.

E. The program or activity must be open to monitoring by the Board or its members, or its authorized representative, without charge or need for advance registration. The Provider may utilize computerized attendance systems. The Provider must monitor for continuous participation by ensuring that continuous use of cell phones and computers, or the continued attention to unrelated reading materials during the program or activity, is prohibited. In addition, certificates of attendance shall not be provided to program attendees until the end of the program or activity. Records of attendance must be retained as set forth within these Regulations.

F. The program must have the Instructor(s) available in the same room or available by video teleconference and audio technology of sufficient quality and range to be heard by all attendees.

2. Programs instructing on the subject of law office economics or practice management may be approved unless all or a specific portion of the program is primarily directed to deriving a profit from the practice of law or developing a client base as opposed to improving the professional skills or the efficiency of the attorney as a practitioner. Programs in or including billing ethics or techniques may be approved if primarily directed toward the development and maintenance of client satisfaction or ethics compliance and not attorney profit oriented. In such instances, the portions of the program which place primary emphasis on marketing, improving your bottom line, or deriving a profit from the practice of law, as opposed to improving the professional skills or the efficiency of an attorney as a practitioner, shall not be entitled to approval. General programs not uniquely



designed for attorneys that stress writing or computer skills are rebuttably presumed not to be eligible for Credit.

3. Substance Abuse/Addiction/Mental Health Credits may be approved for programs that focus on developing awareness of substance abuse or mental health issues and related problems in the practice of law.

A. This includes, but is not limited to: the prevention, detection, reporting and treatment of substance abuse, addictive disorders and/or mental health issues and the available assistance for impaired attorneys; recognizing the signs of substance abuse, addiction and mental health disorders in oneself or one's colleagues; and, impairment, intervention, treatment and available lawyer assistance programs. This also includes steps to be taken in reporting an affected attorney and in assisting the affected attorney.

B. Stress management programs as they relate to the practice of law are also eligible for Credit if they focus on developing awareness of stress-related problems in the practice of law, including programs that focus on personality traits susceptible to stress, work/life balance, recognizing signs of stress in oneself or one's colleagues, instituting preventative measures individually, and the development of policies with the law firm or legal department for dealing with stress-impaired attorneys.

C. Credit will not be given to programs in which the sole focus is personal stress reduction techniques such as breathing exercises, meditation and yoga.

4. Programs may be approved that discuss the importance and advantages of diversity and/or recognition and elimination of bias in the legal profession.

5. Programs that cross academic lines, but which combine the subject matter with legal issues (*e.g.*, a medical-legal program, engineering aspects of construction litigation, accounting-estate planning programs) may be approved if the program has significant intellectual or practical content and improves the professional competence of an attorney. The programs in this category may be approved upon application by either the Provider or attorney. The burden is on the Provider or attorney to demonstrate in the application that the program improves the professional competence of an attorney.

6. Programs that do not deal directly with the practice of law (e.g., science programs, computer programs, and engineering programs) may be approved if the program has significant intellectual and practical content and improves the professional competence or skills of an attorney or the delivery of legal services to the client. Approval of such a program may only be obtained upon application of the Provider or attorney. The burden is on the Provider or attorney to demonstrate in the application that the program improves the professional competence of an attorney.
7. A program for which the primary audience is not attorneys is rebuttably presumed not to be continuing legal education. The burden is on the Provider or attorney to demonstrate how the program maintains or increases the professional competence of an attorney.
8. A program or formal educational activity provided by a vendor of products and services to law firms or clients of lawyers is rebuttably presumed not to be CLE. No promotion or sale of goods or services may occur during any period for which credit is sought.
9. Credit will not be given for the reading of a book or handout material from a program.
10. Credit will not be given twice for the same program.

#### **REGULATION 4 ALTERNATE PROGRAM FORMAT**

1. An Active Member may receive Credit for a Board approved program presented in alternate format by a Provider. Generally, an alternate format is any program previously recorded. Examples of alternate format may include webcast, disc, satellite, thumb drive, or other format now or hereafter developed by Providers and determined by the Board to be an alternate program format. The Board's approval of an alternate format program is valid for one (1) year only.
2. Alternate format participation must be verified by the Provider of the program. It shall be the Provider's responsibility to enter the attendance

electronically as directed by the Board within thirty (30) days after the completion of the alternate format program. The alternate format item, program, or materials may only be used once by an Active Member (updated versions to be considered new items), and the alternate format program may not be older than three (3) years since the time it was first presented. It is the Active Member's responsibility to ensure the alternate format program complies with this Regulation before beginning study.

3. Regardless of the program format, the program must meet all of the academic standards of Regulation 3, including the obligation to provide suitable written materials.

4. Credit for an alternate format program cannot be divided between calendar years. For example, Credit may not be earned for part of a single program in one reporting year and another part of the same program in another year.

5. Due to the possible editing of a live program when transferred to a recorded version, the Board reserves the right to reduce the total number of Credits to the actual running time of the recorded version. The Board further reserves the right to review the transferred version for content to ensure compliance.

6. Pursuant to the Nevada Rules of Professional Conduct, it is the ethical obligation of the Active Member to comply with the requirements of these Regulations. Failure to do so may be considered an ethical violation pursuant to NRPC 8.4.

## **REGULATION 5**

### **STATUS AS ACCREDITED PROVIDER: DUTIES**

1. All continuing legal education activities of an Accredited Provider are presumed to meet the standards of Regulation 3. Participation in a program presented by an Accredited Provider entitles any Active Member participating in the continuing legal education activity to credit. An Accredited Provider may state its accredited status in marketing and course materials.

2. A Provider of continuing legal education may receive Accredited Provider status from the Board if the following requirements are met and maintained:
  - A. The Provider must have as one of its primary functions the provision of quality continuing legal education activities to attorneys;
  - B. The Provider must have a qualified staff or ongoing educational program committee responsible for supervising and ensuring the quality of its programs;
  - C. The Accredited Provider shall pay an annual fee of Five Hundred Dollars (\$500). A late fee of Five Hundred Dollars (\$500) may be assessed to Accredited Providers who fail to pay the annual fee within thirty (30) days from April 1st of each year. The Board will revoke Accredited Provider status for those providers who fail to pay the Accredited Provider fee and late fee by June 30th of each year.
  - D. The Accredited Provider must agree to, and must in fact, comply with each of the obligations set forth in this regulation.
3. An Accredited Provider must pay the appropriate Application Fee for Course Approval.
4. An Accredited Provider must utilize the online Program Notification Form for all programs at least thirty (30) days in advance of the release date of the program and/or live presentation date. Untimely submission of programs may be assessed a \$50 late fee as determined by the Board.
5. Within thirty (30) days after completion of the program, the Accredited Provider must:
  - A. Electronically enter program attendance and credit hours; and
  - B. For an instructor seeking Credit from the Board, electronically submit an application for instructional credit (Board Form 5) on behalf of the program instructor.
6. An Accredited Provider must also meet all the requirements and duties set forth in Regulations 3 and 4.
7. The Accredited Provider must maintain the following records:
  - A. Program Notification Form
  - B. Program attendance

- C. Program evaluations. These records must be maintained for a period of three (3) years.
8. Any Provider of continuing legal education may apply to the Board for Accredited Provider status. The Provider applying must utilize Board Form 1, and the application must be accompanied by a Five Hundred Dollar (\$500) fee.
9. Upon receipt by the Board of the requisite information contained in the application, the Board will determine whether or not to grant the application and will promptly notify the applicant of its decision.
10. A Provider whose application has provisionally been approved by the Board must complete training by the Board regarding course notification and attendance input to become formally accredited.

**REGULATION 6**  
**STATUS AS NON-ACCREDITED PROVIDER: DUTIES**  
**DISCRETIONARY APPROVAL\***

1. A Non-Accredited Provider seeking approval of a program, presentation or other activity must apply to the Board by submitting the required application (Board Form 2), accompanied by the appropriate Application Fee for Course Approval and supporting documentation within thirty (30) days prior to the program date. Untimely submission of programs may be assessed a \$50 late fee as determined by the Board.
2. A Non-Accredited Provider who has received approval by the Board for presentation of a continuing legal education activity must comply with the following requirements:
- A. Within thirty (30) days of program completion, the Provider must electronically enter program attendance and credit hours; and
  - B. Where a program instructor is seeking Credit from the Board, within thirty (30) days of program completion the Provider must electronically submit an application for instructional credit (Board Form 5) on behalf of the instructor.
3. The Non-Accredited Provider must comply with Regulation 3.

4. The Board's approval of a live program entitles a Provider to present that live program no more than three times during a single calendar year. A Provider wishing to present the same live program more than three times in a calendar year must submit an additional application(s).

5. The Non-Accredited Provider must maintain the following records:
- A. Applications for program approval;
  - B. Program attendance; and
  - C. Program evaluations. These records must be maintained for a period of three (3) years.

\* **DISCRETIONARY APPROVAL:** Upon application of a Provider or an Active Member, or upon its own initiative, the Board, in its sole discretion, may waive the requirements of Section 1, 2, 4 and 5 of this Regulation. Such waiver will be based on criteria determined solely by the Board, including but not limited to: Provider reputation for scholarship; content; content quality; and whether the Provider is a non-profit or for-profit organization.

## **REGULATION 7 SPECIAL PROVIDER PROVISIONS**

Excepting Regulation 14 (Annual Fee for Active Members) and any late fees that may be assessed by the Board, the State Bar of Nevada and its recognized sections, Nevada County bar associations, Nevada chapters of local and specialty bar associations, federal agencies and federal courts, the State of Nevada and its political subdivisions and the agencies and courts thereof and Non-Profit Organizations are exempt from any Fees set forth in these Regulations.

## **REGULATION 8 PRE-APPROVAL OF INDIVIDUAL PROGRAMS**

1. The Board may, upon application of any Active Member, pre-approve all or a portion of a particular individual program of continuing legal education which meets the academic standards set forth in Regulation 3. Each application for pre-approval of an individual program shall be made on Board Form 2 or CLEReg Uniform Application for Approval of Continuing Legal Education.

2. An Active Member seeking pre-approval of a program, or other activity, must apply to the Board by submitting the required application and supporting documentation no later than forty-five (45) days prior to the program. The Board will act on the pre-approval application within thirty (30) days of receipt. Active Members should check the Board's website to determine if the Board has already approved the program in question. Untimely submission of applications for pre-approval may be assessed a \$50 late fee as determined by the Board.

3. Active Members denied pre-approval of a program or activity may submit a written request for reconsideration to the Board within thirty (30) days of receipt of the notice of denial. Such request must set forth the specific reason(s) why the Board should reconsider its denial.

## **REGULATION 9 AUTHORSHIP OR EDITING CREDIT**

1. An Active Member may apply for Credit for authorship of qualifying published materials by using Board Form 4. If Credit for preparation of instructional materials has been granted to an author pursuant to Regulation 10, additional Credit for the same materials may not be granted to the same author under this Regulation.

2. The application for authorship Credits must be made within thirty (30) days of publication of the authored/edited work. A late fee of \$50 may be assessed if the authorship application is submitted later than thirty (30) days after the publication date of the authored work.

3. The authored work must be:

- A. A scholarly article, case note or other work published in a law review, legal treatise or legal manual;
- B. Court rules, jury instructions and similar works published by a committee or other working group operating under the direction or supervision of the Nevada Supreme Court; or
- C. A scholarly article written for attorneys with citation to authority and published in a newsletter or legal magazine of regular distribution to at least 200 attorneys.

4. An application for Credit for updated authorship material must be accompanied by a redline, showing how the authorship material has been updated from the prior authored material.
5. Topical outlines, columns dealing with fraternal or social matters, anecdotal summaries, or brochures are not materials which qualify for authorship or editing Credit.
6. For each authorship submission, an Active Member may obtain up to twenty (20) Credits per year for authored material subject to the following limitations:
  - A. Works described in subpart 3(A) and 3(B) above may be eligible for up to twenty (20) Credits; works described in subpart 3(C) may be eligible for up to ten (10) Credits; and,
  - B. Works that are co-authored are eligible for Credit in proportion to the percentage of work contributed by the party seeking such Credit.
7. Editing Credit may be given for substantive editing up to 50% of authorship Credit as set forth in subpart 6(A) above, depending on the extent of the editor's involvement in creating the final product, as determined by the Board.
8. A Board Member will determine the final number of Credits to be allocated to the authorship of the work. An Active Member may appeal the Board Member's determination of Credits to the entire Board by submitting an appeal to the Board in writing within thirty (30) days of receiving the Board Member's determination.
9. An Active Member is responsible for logging into the Board's website and verifying the total Credits actually approved by the Board.

## **REGULATION 10**

### **CREDIT FOR INSTRUCTION AT APPROVED PROGRAMS**

1. The Board may approve, upon application by an Active Member or Provider, continuing legal education in the form of instruction at an approved program. Board Form 5 must be used for this purpose.
2. The application for approval for instruction must be made within thirty (30) days following the conclusion of the program in which the instruction is given (or if



multiple instruction dates are offered, the last date of such instruction). Untimely submissions of Instructional Applications may be assessed a \$50 late fee as determined by the Board.

3. An Active Member may only receive Credit for instruction at a program if the program has been approved by the Board.

4. For every actual one (1) hour of instruction, up to three (3) Credits may be allocated for preparation.

5. Multiple presentations involving the same material and program matter are not entitled to duplicate Credit. Programs which are updated from previous presentations may qualify for approval to the extent time was expended preparing for and providing the updated presentation.

6. Should the program be cancelled for reasons beyond the control of the presenter, up to one-half (1/2) Credit may be issued at the discretion of the Board. The presenter shall have the burden of providing verification of the presenter's preparation for the cancelled program.

## **REGULATION 11**

### **ATTENDANCE REPORTING AND AFFIRMATION: ACTIVE MEMBER RESPONSIBILITY**

1. Nevada is a self-reporting and affirmation state. Each Active Member must, in order to verify compliance with SCR 205-215, inclusive, and the Regulations promulgated by this Board thereunder, retain for audit all certificates of attendance, program outlines, agendas, cancelled checks, receipts, travel vouchers, or other records to verify compliance. Such records must be retained by the Active Member for a period of three (3) years after the Active Member engages in the continuing legal education activity subject to verification.

2. The Board maintains on its website all Active Members' transcripts. Transcripts reflect courses attended during the current calendar year and credits carried forward from prior years in accordance with and within the limitations of SCR 210. The Board encourages active members to review their transcripts, which may be viewed online by logging in at the Board's website. [www.nvcleboard.org](http://www.nvcleboard.org)

Active members are advised that transcripts are made available merely as an aid to assuring that accurate records are kept of their credits and course history, but should note that review of the transcript does not, by itself, satisfy an Active Member's obligations under SCR 210(3) and subsection 5 below to submit an Affirmation of Attendance and Compliance.

3. An Active Member may verify his or her attendance at any program by using the certificate of attendance issued by the Provider of the program.

4. Failure of an Active Member to provide verification of attendance may result in denial of Credit for the program and referral to Bar Counsel for possible discipline.

5. Pursuant to SCR 210(3), no later than December 31<sup>st</sup> of each year, an Active Member *must* submit to the Board an Affirmation of Attendance and Compliance online at the Board's website. [www.nvlceboard.org](http://www.nvlceboard.org)

6. The Affirmation of Attendance and Compliance constitutes an Active Member's representation under penalty of perjury pursuant to SCR 210(3) that the Active Member has complied with the Board's Regulations and attended each of the courses set forth on the affirmation for the number of Credit-Hours stated for each course.

7. Those Active Members who have not submitted their Affirmation of Attendance and Compliance by December 31<sup>st</sup>, may receive an extension of time until March 1<sup>st</sup> of the following year. The Board will assess a non-refundable Extension Fee as set forth in SCR 212. Active Members who fail to timely submit an Affirmation of Attendance and Compliance will be subject to the late fee as set forth in SCR 212(1)(b), in addition to any other applicable fees or penalties.

## **REGULATION 12 CARRY FORWARD OF CREDITS**

1. An Active Member who completes more than thirteen (13) hours of accredited educational activity in any calendar year may carry forward up to:

- A. Twenty (20) hours of excess general Credit and apply the same to the attorney's general educational requirement for the next two (2) calendar years;
  - B. Four (4) hours of excess ethics Credit and apply the same to the attorney's ethics and professional conduct educational requirement for the next two (2) calendar years; and
  - C. Two (2) hours of excess substance abuse Credit and apply the same to the attorney's substance abuse, addictive disorders and/or mental health issues requirement for the next two (2) calendar years.
2. Active Members who are exempt from these rules under SCR 214 (1)(a) may, during the final year of exemption, earn Credits which may be carried forward for application to requirements in the first year after the exemption.

### **REGULATION 13 BOARD AUDITS**

1. Pursuant to SCR 212(4), the Board will conduct random audits of Active Members to confirm compliance with these Regulations. Such an audit may entail review of the Active Member's CLE compliance for the two (2) preceding calendar years. The Board may also audit an Active Member based on other criteria determined by the Board, including but not limited to: a history of noncompliance with these Regulations; submission of an inaccurate Affirmation of Attendance and Compliance; and, other cause as determined by the Board.
2. The Board will conduct random audits of Providers, including Accredited Providers. The Board may also audit Providers based on other criteria determined by the Board, including but not limited to: quality complaints; other complaints from Active Members; submission of inaccurate course notification or attendance forms; and, other cause as determined by the Board. Provider audits may entail review of records and/or unannounced attendance by Board members or Board staff at a Provider's CLE presentations.

**REGULATION 14**  
**ANNUAL FEE**

1. As provided in SCR 208 (11), each Active Member must pay the Annual Fee.
2. The Annual Fee must be paid on or before March 1<sup>st</sup> of the calendar year for which the payment is required to be made.
3. Failure to pay the Annual Fee when due subjects the delinquent Active Member to sanctions as set forth in SCR 212.
4. Active Members employed on a full-time basis in the judiciary who are prohibited from engaging in the private practice of law and Active Members of the State Bar of Nevada entitled to an exemption under SCR 214 (1) are automatically entitled to an exemption from the requirement to pay the Annual Fee under this Regulation 14.
5. Should a check be returned by a bank for non-payment, the Active Member will be required to reimburse the Board for the actual dollar amount of the check, together with a Returned Check Fee.

**REGULATION 15**  
**EXEMPTIONS**

Any Active Member subject to an exemption under SCR 214 (1) must notify the Board of such an exemption by filing Form 7 with the Board.

**REGULATION 16**  
**DELEGATION**

The Board may delegate to its Executive Director, or to a sub-committee of the Members of the Board, the authority to approve programs or assign Credits to continuing legal education programs. At a regular meeting of the Board, the Executive Director will report all determinations made under such delegated authority since the last meeting of the Board.

## **REGULATION 17 CONFIDENTIALITY**

All files, records and proceedings of the Board, as they relate to the compliance or noncompliance of any Active Member with these Regulations, shall remain confidential, and shall not be disclosed except:

- A. In furtherance of the duties of the Board;
- B. Upon written request and consent of the Active Member affected;
- C. Pursuant to proper legal process, including subpoenas, search warrants and administrative summonses;
- D. Upon written request from Bar Counsel of the State Bar of Nevada as part of a disciplinary proceeding or investigation;
- E. Upon written request from Bar Counsel of the State Bar of Nevada in determining compliance with NRPC 7.4; or
- F. As ordered by a court of competent jurisdiction.

## **REGULATION 18 ETHICS AND PROFESSIONAL CONDUCT**

1. Ethics and Professional Conduct as specified in SCR 210 (2), includes, but is not limited to instruction in any of the following areas:
  - A. Topics specifically focusing on the Rules of Professional Conduct as adopted by the Supreme Court of Nevada, including but not limited to the Nevada Rules of Professional Conduct;
  - B. Avoiding disciplinary and malpractice complaints;
  - C. Permissible forms of advertising, how to comply with the Nevada Rules of Advertising, advertising filing requirements, solicitation, fee splitting, and fee arrangements with clients;
  - D. Permissible conduct when accepting or terminating employment with a law firm or agency, or when accepting, withdrawing or being terminated from a case;
  - E. Conflicts of Interest;
  - F. The documentation and record keeping that must be maintained on a daily bases in a law office, particularly with regard to time keeping, time management, filing, case management and case administration;

- G. Trust accounts, retainers and retainer agreements and the proper handling thereof;
  - H. Client Relations, including the retention of files, attorney liens, and communications;
  - I. Pro Bono;
  - J. Training and supervision of lawyers and support staff to reduce the risk of ethical violations, particularly with regard to the unauthorized practice of law;
  - K. Ethics and professional conduct pertaining to the Judiciary, including arbitrators, settlement judges and other judicial officers; or
  - L. Ethics and professional conduct pertaining to public lawyers, including prosecutors and criminal defense attorneys.
2. Credits for ethics programs shall be computed in the same manner as for other programs under Regulation 2. Programs where ethics and professional conduct Credits are being requested must contain a minimum of one-half (1/2) hour of instruction per program.
3. The Board will not approve for ethics and professional conduct Credit those programs where it is indicated that there is a portion of ethics during each topic. Ethics and professional conduct instruction must be given in a continuous block of time.
4. Providers or Active Members who are seeking ethics and professional conduct Credit for a CLE program must clearly identify the topic(s) contained in the agenda or brochure and the minutes of continuing instruction for which ethics and professional conduct Credit is sought.

## **REGULATION 19 BAR REVIEW PROGRAMS**

No Credit will be given for attendance at a program involving the preparation for a bar examination.

**REGULATION 20**  
**RELIEF FROM COMPLIANCE: HARDSHIP EXEMPTION**

1. As set forth in SCR 214 (2), the Board, in its discretion, may grant an Active Member subject to these rules an exemption upon circumstances constituting exceptional, extreme and undue hardship unique to the Active Member, subject to the following:
  - A. The Active Member seeking the exemption must promptly file with the Board a verified application, specifying in detail the circumstances which the Active Member believes afford a basis for exemption;
  - B. The Board may, but need not exempt the Active Member from all or a portion of these rules; and
  - C. The Board may condition the exemption upon such terms and conditions, and limit the exemption or partial exemption to such period of time, as the Board may deem appropriate.
  
2. Such application must be made prior to obtaining such exemption, unless the Active Member is unable to make such application in advance by reason of the hardship itself. Board Form 8 will be utilized for such application.

**REGULATION 21**  
**CHANGE OF ADDRESS**

Every Active Member subject to the requirements of SCR 205-215 and the Regulations contained herein, must notify the Board of any change of address. See SCR 215. Notification of a change of address to the State Bar of Nevada in accordance with SCR 79 is deemed compliance with this Regulation.

**REGULATION 22**  
**FORMS**

The attached appendix of applicable Forms must be used by Active Members for compliance with these Regulations. Forms are subject to change, adjustment and approval by the Board and will be made available to all Members on the Board's website and/or in written hardcopy form.

## APPENDIX BOARD FORMS

Form 1 .....	Verified Pro Bono Exemption Form
Form 2 .....	Application for Continuing Legal Education
Form 3 .....	[Reserved]
Form 4 .....	Application for Approval of Authorship
Form 5 .....	Application for Program Preparation Credit
Form 6 .....	Program Notification Form
Form 7 .....	Notice of Exemption
Form 8 .....	Application for Exemption Based on Hardship
Form 9 .....	[Reserved]
Form 10 .....	[Reserved]
Form 11 .....	[Reserved]
Form 12 .....	Application for Reinstatement under SCR 213

At a duly noticed and scheduled meeting on \_\_\_\_\_, 2019, these Regulations were adopted by the Board.

**/s/ Jenny Hubach**  
**Acting Vice Chair**