

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE AMENDMENT)
OF THE SUPREME COURT RULES AND)
THE CREATION OF COMMITTEES)
RELATING TO THE ADMISSION OF)
APPLICANTS TO PRACTICE LAW.)

ADKT 171

FILED

SEP 29 1993

ORDER AMENDING PART III, SECTION B
OF THE SUPREME COURT RULES AND
ESTABLISHING COMMITTEES RELATING TO
THE ADMISSION OF APPLICANTS TO PRACTICE LAW

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

WHEREAS, the Board of Governors and the Board of Bar Examiners of the State Bar of Nevada have submitted recommendations respecting the amendment of the Supreme Court Rules relating to the admission of applicants to the practice of law in this state; and

WHEREAS, this court has reviewed and carefully considered those recommendations and other concerns relating thereto;

IT IS HEREBY ORDERED that the committee on moral character and fitness to practice law is created. The committee shall have all those powers and duties delegated under the Nevada Supreme Court Rules to the Board of Governors and the Board of Bar Examiners relating to the conduct of investigations and hearings, and the submission of reports and recommendations to this court respecting the ethical, moral, and psychological fitness of applicants for admission to practice law in this state;

IT IS HEREBY FURTHER ORDERED that the committee on moral character and fitness shall be composed of seven members who are active members of the State Bar of Nevada. Four of the members shall be appointed by the supreme court, and three members shall be appointed by the board of governors. The supreme court shall appoint one of the members to chair the

committee. The terms of the members of the committee shall be staggered, and each member of the committee shall be appointed for a term of three years; provided however, that no attorney may serve on the committee for more than a lifetime total of nine years. A majority of the committee shall constitute a quorum;

IT IS HEREBY FURTHER ORDERED that the committee on functional equivalency is created. The committee shall have all those powers and duties delegated under the Nevada Supreme Court Rules to the Board of Governors and the Board of Bar Examiners relating to the conduct of investigations and hearings, and the submission of reports and recommendations to this court respecting those applicants who seek this court's waiver pursuant to SCR 51(7) of the law school accreditation requirements set forth in SCR 51(3);

IT IS HEREBY FURTHER ORDERED that the committee on functional equivalency shall be composed of seven members who are active members of the State Bar of Nevada. Four of the members shall be appointed by the supreme court, and three members shall be appointed by the board of governors. The supreme court shall appoint one of the members to chair the committee. The terms of the members of the committee shall be staggered, and each member of the committee shall be appointed for a term of three years; provided however, that no attorney may serve on the committee for more than a lifetime total of nine years. A majority of the committee shall constitute a quorum;

IT IS HEREBY FURTHER ORDERED that the rules contained in Part III, Section B of the Nevada Supreme Court Rules, be and hereby are amended as set forth below.

IT IS HEREBY ORDERED that Supreme Court Rule 52(1) is amended as follows:

Rule 52. Applications: Filing, number and contents.

1. (a) Except as otherwise provided in SCR 51(7), and in order to permit and facilitate the examination, investigations, interviews and hearings necessary to determine the applicant's morals, character, qualifications and fitness to practice law, an applicant for a license to practice as an attorney and counselor at law in this state shall, prior to February 1 of the year in which the applicant wishes to be examined, file with the admissions director of the state bar, on forms furnished by the admissions director, a verified application in triplicate.

(b) An applicant unable to comply with the February 1 filing date provided in subsection 1(a) of this rule may make late application no later than [June 1] May 1 of the year in which the applicant wishes to be examined. [Such application must include a sworn statement indicating good cause for making late application.] The deadline for filing an application shall not be waived.

(c) An application shall be deemed filed on the day of mailing.

IT IS HEREBY ORDERED that Supreme Court Rule 54 be amended as follows:

Rule 54. Fees.

1. An applicant for examination for a license to practice as an attorney and counselor at law in this state who has not previously been admitted in any jurisdiction shall pay to the treasurer of the state bar the sum of \$250.00 before being entitled to have the application considered.

2. An attorney who has been previously admitted to practice law in any jurisdiction, or who has taken and passed another jurisdiction's bar examination whether or not admitted in the jurisdiction, and who applies to be admitted to practice

law in Nevada shall pay to the treasurer of the state bar the sum of \$450.00 before being entitled to have the application considered.

3. In addition to the fees required in subsections 1 and 2 of this rule, an applicant making late application shall pay to the treasurer of the state bar a sum of:

(a) [~~\$25~~] \$100 for applications filed on or before the last day of February;

(b) [~~\$100~~] \$250 for applications filed between March 1 and March 31, inclusive;

(c) [~~\$250~~] \$450 for applications filed between April 1 and [April 30, inclusive; and] May 1, inclusive.

[(d) \$450 for applications filed after April 30.]

4. No payments shall be refunded except as otherwise provided by these rules.

5. In all cases where an applicant has been denied admission but is permitted to apply again for admission to practice, the applicant shall be required at the time of such further application to make the same payment as on an original application.

6. The board of bar examiners [by a majority vote of its members present and voting may] shall assess against an applicant such further fees or costs as in the opinion of the board [may be] are reasonably necessary to conduct investigations, to hold hearings and to take depositions either within or without the State of Nevada concerning the character of the applicant. The board of bar examiners shall estimate the cost of its investigation and provide the applicant with a written estimate of costs. The applicant shall have ten (10) days from service of the estimate within which to pay the estimated costs to the State Bar of Nevada. Any such fees assessed shall be paid into the treasury of the state bar prior

to the commencement of any such investigation, hearing or the taking of a deposition[, and in any event within 60 days after the order assessing further fees or costs has become final].

Should the actual fees or costs incurred in the conduct of such investigation, hearing or taking of a deposition exceed or be less than the amount assessed by the board of bar examiners, the applicant shall pay the excess or be refunded costs not used, as the case may be, before a final determination is made in the applicant's case upon the entry of a further order therefor by the board.

Failure to pay such fees as may be assessed by the board of bar examiners may be considered grounds for denial of admission.

Within 30 days after written notice to the applicant of the entry of an order by the board of bar examiners assessing further fees or costs, pursuant to this rule or pursuant to SCR 51(7), the applicant may petition the supreme court for a review thereof.

IT IS HEREBY ORDERED that Supreme Court Rule 65(1) is amended as follows:

Rule 65. Multistate bar examination; time, date, place of examinations.

1. All applicants determined to be eligible for examination for licenses to practice as attorneys and counselors at law in this state shall be examined annually by the board of bar examiners by administering to all applicants a written bar examination consisting of two parts. One part shall be the Multistate Bar Examination prepared by the National Conference of Bar Examiners. The other part shall be a [one-day] two-day essay examination. Beginning with the July 1992 examination, the essay examination shall include the Multistate Essay Examination prepared by the National

Conference of Bar Examiners and further essay questions covering the subjects listed in SCR 66. Each part shall be given on successive days. The same subjects may be covered on both parts. In grading the examination, the [one-day] two-day essay examination shall be entitled to twice the weight of the Multistate Bar Examination. Unless otherwise specified in these rules, the two-part examination required by this rule may be referred to as "the examination."

IT IS HEREBY ORDERED that Supreme Court Rule 69(1) is amended as follows:

Rule 69. Passing grade; admission by court.


1. Upon receipt of a recommendation for admission from the board of bar examiners, the court may admit to the practice of law any and all applicants so recommended having a grade of not less than 75 on the examination, a raw score of not less than 75 on each of at least four essay questions, and a scale score of not less than 85 on the Multistate Professional Responsibility Examination.

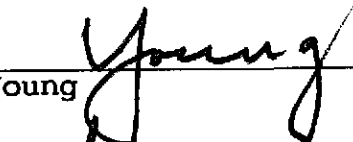
IT IS HEREBY FURTHER ORDERED that this order shall become effective thirty (30) days after its entry. Publication of this order shall be made by the mailing of a copy by the clerk of this court to each member of the State Bar of Nevada according to the clerk's official list of membership of such bar (which will include all district judges and district attorneys), and the certificate of the clerk of this court as to the accomplishment of such mailing shall be conclusive evidence of the adoption and publication of the foregoing.

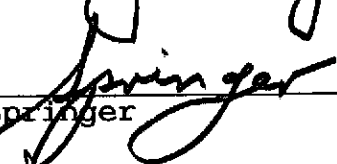
IT IS HEREBY FURTHER ORDERED that the members of the two committees created by this order shall be selected and appointed within thirty (30) days of the entry of this order.

DATED this 29th day of September, 1993.

_____, C.J.
Rose

_____, J.
Steffen

_____, J.
Young

_____, J.
Springer

_____, J.
Shearing

cc: Larry Hicks, President, State Bar
Keith Lee, Chairman, Board of Bar Examiners
Rosalie Small, Executive Director, State Bar
Roger Jones, Admissions Director, State Bar
Leonard Gang, Bar Counsel