

BOARD OF BAR EXAMINERS  
Ronald D. Alling, Chair  
P.O. Box 3390  
Lake Tahoe, NV 89449-3390  
(702) 588-6676

**FILED**

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEC 08 1995

IN RE AMENDMENT OF  
ORDER AMENDING PART III,  
SECTION B OF THE SUPREME  
COURT RULES REGULATING  
ADMISSION TO THE PRACTICE  
OF LAW IN THE STATE  
OF NEVADA }

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ADKT 171

MOTION TO AMEND ADKT 171 FILED  
SEPTEMBER 29, 1993 RELATING TO THE CREATION OF  
THE COMMITTEE ON MORAL CHARACTER AND FITNESS

COMES NOW the Nevada Board of Bar Examiners ("the Board") and respectfully requests this Honorable Court to consider amending ADKT 171 filed on September 29, 1993 to increase the number of attorneys appointed to serve on the Committee on Moral Character and Fitness ("Committee") from seven to nine and to allow for the appointment of four lay members who are professionals with expertise in fields that are germane to the determination of the character and fitness issues confronted by the Committee. Five attorney members to be appointed by the Court and four attorney members to be appointed by the Board of Governors. Four lay members to be appointed by the Board of Governors. The Chair is to be selected by the Court from the appointed members.

The Board believes that the relatively few number of members currently serving on the Committee compounded by the fact that the majority of hearings are held in the Southern portion of the state whereas a majority of Committee members reside in the Northern portion of the state, imposes a great hardship on the Committee. Moreover, the current composition of the Committee imposes a hardship on the Admissions Department in its efforts to ensure the attendance of a majority of the Committee at a hearing so as to constitute a quorum, thereby delaying, substantially in some cases, the determination by the Committee of an applicant's moral character and fitness to practice law.

95-14

As a matter of policy, the Committee attempts to conclude its investigation and make recommendations on an applicant's character and fitness for admission prior to the July bar examination. The Board and the Committee notes, however, that the number of applicants with character and fitness problems has increased dramatically over the last five years. Prior to the release of bar examination grades for 1995, the Committee and the Board had placed approximately forty applicants on character and fitness holds whose qualifications to practice law pursuant to SCR 51(4) were yet to be determined either through a hearing and/or further investigation subsequent to the examination. Had all forty of the applicants passed the examination, or even half of those applicants, a great hardship would have been placed on the existing seven members of the Committee to complete between twenty to forty hearings before December 15, 1995 and make appropriate recommendations to the Court with respect thereto.

Finally, the Board proposes that the addition of lay professionals on the Committee will greatly enhance the character and fitness screening process. On many occasions, the Committee is faced with making determinations on issues with respect to the psychological and emotional well being of an applicant, dependency or abuse of substances and/or alcohol, and other similar problems which require other medical or professional expertise. The Board believes that Committee members would greatly benefit by the expert opinions of specialists in the medical, psychological, chemical addiction fields and other professions that are germane to these issues that are consistently faced by the Committee.

Therefore, the Board proposes that increasing the Committee to thirteen members would greatly alleviate the hardship currently endured by the Committee. It further proposes that the Committee maintains its geographic diversity between the northern and southern portions of the State and that it be divided into hearing panels to assist the Committee in its duty relating to the conduct of investigations and hearings. To assist the Court, the Board proposes the following model for the composition of its hearing panels:

*(a) Formal Hearing.* For each hearing, the C & F Committee may be divided by its chair into as many hearing panels composed of a minimum of four members, one of whom may be a non-lawyer to be determined on a case by case basis, as the Chair believes is necessary to conduct hearings in

that district. The Chair will assign applicants for hearings to the panels and may sit as Chair for the panel or designate an attorney to sit as Acting Chair in his/her place.

(b) *Informal Interview.* For those applicants whose application's reflect conduct or information that warrants further inquiry, however does not rise to the level of a formal hearing, the Chair and the Director of Admissions may conduct an informal interview in an attempt to counsel with an applicant, or to resolve a matter informally.

This model has been utilized with great success by the Discipline Department of the State Bar for many years and the Board believes it will be greatly beneficial in assisting the Committee and the Board in its duty to protect the public, the image of the legal profession in this state and the administration of justice.

Respectfully submitted this 14 day of December, 1995.



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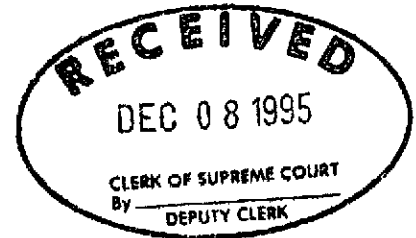
Ronald D. Alling, Chair  
BOARD OF BAR EXAMINERS  
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Stateline, NV 89449-3390

# STATE BAR OF NEVADA

REPLY TO ☐ RENO ☒ LAS VEGAS

December 8, 1995

JANETTE BLOOM  
Clerk of the Supreme Court  
Carson City, Nevada



Via Messenger

Re: **SCR AMENDMENTS**

Dear Janette:

In furtherance of Sheila Robertson's letter of December 5, 1995, enclosed please find the following:

1. An original and six copies of the Motion to Amend ADKT 171; ~~filed (ADKT 171)~~
- ✓ 2. An original and six copies of revised SCR 49.7, to be attached to ADKT 226 to replace the attachment originally filed with the petition; ~~to clerk (ADKT 226)~~
3. An original and seven copies of the Petition to Amend SCR 52.3. Please file this petition and return a filed, endorsed copy to my office in the envelope provided; ~~filed (ADKT 232)~~
- ✓ 4. An original and six copies of SCR 56 to replace the attachment originally filed with Petition ADKT 227 (this revision has the relines removed); ~~to clerk (ADKT 227)~~
5. An original and six copies of SCR 65 to replace the redline version which was attached to the petition filed as ADKT 228; ~~to clerk (ADKT 228)~~
- ✓ 6. An original and six copies of SCR 67.5 to replace the reline version which was attached to the petition filed as ADKT 229; ~~to clerk (ADKT 229)~~
7. An original and seven copies of revised Petition to Amend SCR 69(1), ADKT 230. Please note that the redlines have been removed from the rule and we have changed the petition from "a raw score of not less than 75" to "a scaled score of not less than 75". Please return an endorsed, filed copy to my office in the envelope provided. ~~filed (ADKT 230)~~


JANETTE BLOOM  
Clerk of the Supreme Court  
December 8, 1995  
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8. The disc (in WP 5.1) containing all items described above as well as the draft Policies and Procedures for the Board of Bar Examiners which we distributed to you and the court during our meeting earlier this week. As discussed, we will continue to refine the Policies and Procedures and would expect those to be approved outside of the administrative docket.

Should you have any questions, please advise.

Sincerely,

BOARD OF BAR EXAMINERS

By   
RONALD D. ALLING  
Chairman

RDA/np  
enclosures

cc: Deena Trueblood, Admissions (with copies of enclosures 1-7, and copies of file-stamped petitions filed previously.)