

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT }
SUPREME COURT RULES 52, 54; }
ADDENDUM 1; and RULES }
REGULATING ADMISSION TO THE }
PRACTICE OF LAW AND }
INSTRUCTIONS }

ADKT NO.: 0482

FILED

OCT 11 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

COME NOW, your committees, the Board of Governors and the Board of Bar Examiners (hereinafter collectively known as the "Board") of the State Bar of Nevada and respectfully report as follows:

SCR 52(1)(b) is inconsistent with SCR 54(3), Addendum 1, Paragraph 14(c), and the Rules Regulating Admission to the Practice of Law and Instructions Regarding Applications, Paragraph 4, because the final application submission dates ("submission date") do not match. Specifically, Rule 52(1)(b) states that the final submission date is May 1, whereas Rule 54(3), Addendum 1, Paragraph 14(c), and the Rules Regulating Admission to the Practice of Law and Instructions Regarding Applications all state that the final submission date is May 15. On August 12, 2011, the Court approved a Rule amendment regarding the change of the July bar exam submission date to March 15 for initial submissions and May 15 for final submissions. However, the amendment was not reflected consistently in the final Rules. Now that a full bar cycle has been completed since the change, the Board determined that the change is not administratively sound, and unfortunately it has resulted in a backlog. Therefore, the Board respectfully requests that SCR 52(1)(a), SCR 54(3), Addendum 1, Paragraph 14(c), and the Rules Regulating Admission to the Practice of Law and Instructions Regarding

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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 Applications be amended to reflect an initial submission date of March 1 and a
2 final submission date of May 1, effective with the July 2013 bar examination.
3

4 **I.**

5 **Rule 52. Applications: Filing, number and contents.**

6 1. (a) In order to permit and facilitate the examination, investigations,
7 interviews and hearings necessary to determine the applicant's morals, character,
8 qualifications and fitness to practice law, an applicant for a license to practice as
9 an attorney and counselor at law in this state shall file with the admissions director
10 of the state bar, on forms furnished by the admissions director, a verified
11 application in duplicate not later than March [~~15~~] 1 if the application is for the
12 following July examination and not later than October 1 if the application is for
13 the following February examination.

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15 **II.**

16 **Rule 54. Fees.**

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18 3. In addition to the fees required in subsections 1 and 2 of this rule, an
19 applicant making late application shall pay to the treasurer of the state bar a sum
20 of \$550 for any late application postmarked between March [~~16~~] 2 and May [~~15~~] 1
21 inclusive for the July examination; or between October 2 and December 1,
22 inclusive for the February examination. Further, if the date an application is to be
23 postmarked falls on a Sunday or holiday, only those applications postmarked the
24 following business day shall be accepted as timely.

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1 III.

2 **Rule Addendum 1. Policies and procedures of the Board of Bar Examiners**
3 **and the Moral Character Fitness Committee; Paragraph 14.; Fees**

4 A. *Timely Submission.* Applications for the July bar exam filed on or
5 before March [~~15~~] 1 shall be accompanied by the appropriate filing fees as set out
6 in SCR 54(1) and (2). Applications for the February bar exam filed on or before
7 October 1 of the preceding year shall be accompanied by the appropriate filing
8 fees as set out in S.C.R. 54(1) and (2). Applicants who have not been previously
9 admitted in another jurisdiction, or who have taken and passed a bar exam in
10 another jurisdiction shall pay \$700 to the State Bar of Nevada. Applicants who
11 have taken and passed a bar exam or who have been admitted in another
12 jurisdiction shall pay \$1000 to the State Bar of Nevada. Application fees must
13 accompany the application at the time of filing. In the event that an application
14 fee check is returned for any reason (i.e. insufficient funds, stop payment), the
15 applicant shall be assessed a late fee (if applicable), as well as a return check
16 charge. After a check is returned, all subsequent fees must be paid by cashier's
17 check, money order or credit card.

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1 IV.

2 **Rule Addendum 1. Policies and procedures of the Board of Bar**
3 **Examiners and the Moral Character Fitness Committee; Paragraph 14. Fees**

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5 C. *Late Fees.* Applications for the July exam filed after March [15] 1, and
6 applications for the February exam filed after October 1, in addition to a \$25
7 licensure fee, shall be accompanied by such late fees as are set out in SCR 54(3).
8 Any applicant failing to pass the examination who applies to take the next
9 subsequent examination within the time frame provided by S. C. R. 52(1)(c) shall
10 not be required to pay the fees provided in S.C.R. 54(3) for late application. (See
11 the inside cover of the *Nevada Supreme Court Rules Regulating Admission.*)

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13 V.

14 **Rules Regulating Admission to the Practice of Law and Instructions**
15 **Regarding Applications; Paragraph 4**

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17 *FILING DATE.* Timely applications must be postmarked on or before
18 March [15] 1 of the examination year for the July bar examination; or October 1
19 of the year prior to the February bar examination. Late application may be made
20 until May [15] 1 of the examination year of the July bar examination; or
21 December 1 of the year prior to the February bar examination, and must include
22 the appropriate late filing fee of \$550 from Section 3, above. If the date an
23 application is to be postmarked falls on a Sunday or holiday, only those
24 applications postmarked the following business day shall be accepted as timely.

1 RESPECTFULLY SUBMITTED this 27th day of September, 2012.

2 STATE BAR OF NEVADA
3 BOARD OF GOVERNORS

4 

5 FRANCIS C. FLAHERTY, President

6 Nevada Bar No. 5303

7 600 East Charleston Boulevard

8 Las Vegas, Nevada 89104

9 (702) 382-2200

10 STATE BAR OF NEVADA
11 BOARD OF BAR EXAMINERS

12 

13 RICHARD M. TRACHOK, II, Chairman

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15 50 W. Liberty St., Ste. 410

16 Reno, Nevada 89501

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Exhibit A

Rule 52. Applications: Filing, number and contents.

1. (a) 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 file with the admissions director of the state bar, on forms furnished by the admissions director, a verified application in duplicate not later than March 1 if the application is for the following July examination and not later than October 1 if the application is for the following February examination.

(b) An applicant unable to comply with the filing deadlines provided in subsection 1(a) of this rule may file a late application not later than May 1 if the application is for the following July examination and not later than December 1 if the application is for the following February examination. The deadline for filing an application shall not be waived.

(c) Any applicant failing to pass the examination who wishes to take the next subsequent examination shall have 15 days from the date of mailing of the state bar's written notice to the applicant of his or her failure to pass the examination or until the late application deadlines set forth in subsection 1(b) of this rule, whichever date is later, to file a verified application with the admissions director of the state bar.

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

2. The application shall state:

(a) When and where the applicant was born and the various places of the applicant's residence, giving at least two references in each place in which the applicant has resided since attaining the age of 21 years and for the 5 years immediately preceding filing of the application.

(b) Whether or not the applicant has been engaged in business at any time; if so, where and the kind of business.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 10 years immediately preceding the making of the application.

(d) The applicant's general and legal education, what schools the applicant has attended, the length of time in attendance at each, whether or not the applicant is a graduate of any school or schools, and whether or not the applicant has ever been subject to discipline for violation of any school policy, including but not limited to, code of conduct and honor code violations.

1 (e) Whether or not the applicant has ever applied to any court, bar association,
2 administrative body, governmental agency or other entity for admission to
3 practice law; if so, when and where, and the results thereof.

4 (f) If a naturalized citizen, when and where naturalized.

5 (g) Whether or not the applicant has ever been arrested; if so, when and
6 where, the nature of the crime charged, the disposition of the charge, complaint,
7 indictment or information, the title and address of the police officials having
8 custody of the record of arrest, and the names and locations of all courts before
9 which any proceedings in connection with the arrest took place.

10 (h) The marital status of the applicant; if married, the name of the spouse, the
11 date and place of marriage, and the number and names of children, if any; if
12 divorced, the names of all former spouses, the dates of the decrees and the names
13 of the court granting such decrees, and whether or not the applicant is subject to
14 any spousal or child support orders and the current status of payments due
15 thereunder.

16 (i) Whether or not the applicant has ever applied to practice in any
17 jurisdiction. If the applicant has been admitted to practice law in any jurisdiction
18 the applicant shall:

19 (1) State whether any complaint or charge resulting in an inquiry,
20 investigation, or hearing, formal or informal, has ever been instituted against the
21 applicant, or whether by resignation, withdrawal or otherwise the applicant has
22 terminated or attempted to terminate the applicant's office as an attorney, and in
23 either or any of the cases above referred to, giving full particulars; and

24 (2) Present a certificate of the clerk of the court in the state in which the
25 applicant last practiced, certifying that the applicant is a member in good standing
of the bar of that state or district, and that no disbarment or other proceedings
affecting the applicant's standing as an attorney are pending and undisposed of
before the court, which certificate shall be supplemented by:

(I) A letter from the secretary of the local bar association of the city
or county in which such applicant last resided (if there be such local bar
association) and a letter from the secretary of each state bar association where the
applicant is admitted to practice, certifying to the applicant's good moral
character; and

(II) A letter of recommendation from the judge of the court of record
before which the applicant last regularly practiced; and

(III) Such other evidence of good moral character and fitness as may
be required by the court; and

(IV) Such other evidence as may be required by the board of bar
examiners.

1 (j) Whether the applicant has ever defaulted on any financial obligations,
2 including without limitation, student loans, and in the case of student loans, the
3 present payment status thereof.

4 (k) Whether or not the applicant is, or ever has been, a member of any
5 organization devoted to, or advocating support of, the violent overthrow of the
6 government of the United States or of any state, giving full particulars.

7 3. On making application for admission, each applicant shall authorize the
8 state bar, and its agency and representatives, to acquire from any source any
9 information it may request concerning the applicant's professional, academic and
10 character qualifications, which information may include, without limitation
11 implied by enumeration, confidential reports, files, records, proceedings,
12 documents and transcripts in any type of civil, criminal, disciplinary or
13 administrative action or proceeding, and further to authorize the National
14 Conference of Bar Examiners, or any other reporting agency, to submit to the state
15 bar its character report on the applicant, and shall agree that the applicant shall not
16 have access to confidential reports, and to other information except as the board of
17 bar examiners may permit. Such applicant shall further authorize any state bar, bar
18 association or other admitting authority to release to the State Bar of Nevada and
19 its agents and representatives, including the National Conference of Bar
20 Examiners, any or all similar information enumerated above.

21 The applicant, on making application for admission, shall consent to the
22 disclosure of all information as set forth in this subsection pursuant to any request
23 by any state bar, bar association, the National Conference of Bar Examiners or
24 other admitting authority.

25 4. Each applicant shall attach to the application a recent head-and-shoulders
photograph, not smaller than 2 inches by 2 inches.

5. A false statement on the application forms filed with the admissions
director, or failure to set out information required on the forms, shall be sufficient
cause for denial of admission.

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 \$700, inclusive of
a \$25 administrative fee, 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 exam 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 \$1,000, inclusive of
a \$25 administrative fee, before being entitled to have the application considered.

1 3. In addition to the fees required in subsections 1 and 2 of this rule, an
2 applicant making late application shall pay to the treasurer of the state bar a sum
3 of \$550 for any late application post-marked between March 2 and May 1,
4 inclusive, for the July examination; or between October 2 and December 1,
5 inclusive, for the February examination. Further, if the date an application is to be
6 postmarked falls on a Sunday or holiday, only those applications postmarked the
7 following business day shall be accepted as timely.

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

10 5. In all cases where an applicant has been denied admission but is permitted
11 to apply again for admission to practice, the applicant shall be required at the time
12 of such further application to make the same payment as on an original
13 application. If an applicant failed to pass the examination and applies to take the
14 next subsequent examination, the applicant shall not be required to pay the fees set
15 forth in subsection 3 for late application.

16 6. The board of bar examiners shall assess against an applicant such further
17 fees or costs as in the opinion of the board are reasonably necessary to conduct
18 investigations, to hold hearings and to take depositions either within or without
19 the State of Nevada concerning the character of the applicant. The board of bar
20 examiners shall estimate the cost of its investigation and provide the applicant
21 with a written estimate of costs. The applicant shall have 10 days from service of
22 the estimate within which to pay the estimated costs to the State Bar of Nevada.
23 Any such fees assessed shall be paid into the treasury of the state bar prior to the
24 commencement of any such investigation, hearing or the taking of a deposition.

25 Should the actual fees or costs incurred in the conduct of such investigation,
hearing or taking of a deposition exceed the amount assessed by the board of bar
examiners, the applicant shall pay the excess fees or costs 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, the
applicant may petition the supreme court for a review thereof.

1 **Rule Addendum 1. Policies and procedures of the Board of Bar**
2 **Examiners and the Moral Character Fitness Committee; Paragraph 14. Fees**

3 A. *Timely Submission.* Applications for the July bar exam filed on or
4 before March 1 shall be accompanied by the appropriate filing fees as set out in
5 S.C.R. 54(1) and (2). Applications for the February bar exam filed on or before
6 October 1 of the preceding year shall be accompanied by the appropriate filing
7 fees as set out in S.C.R. 54(1) and (2). Applicants who have not been previously
8 admitted in another jurisdiction, or who have not taken and passed a bar exam in
9 another jurisdiction shall pay \$700 to the State Bar of Nevada. Applicants who
10 have taken and passed a bar exam or who have been admitted in another
11 jurisdiction shall pay \$1,000 to the State Bar of Nevada. Application fees must
12 accompany the application at the time of filing. In the event that an application fee
13 check is returned for any reason (i.e. insufficient funds, stop payment), the
14 applicant shall be assessed a late fee (if applicable), as well as a return check
15 charge. After a check is returned, all subsequent fees must be paid by cashier's
16 check, money order or credit card.

17 B. *Refunds.* There is no provision for a refund of application fees, and
18 except as provided in S.C.R. 56(3), applications and fees may not be held in
19 abeyance for subsequent bar examinations.

20 C. *Late Fees.* Applications for the July exam filed after March 1, and
21 applications for the February exam filed after October 1, in addition to a \$25
22 licensure fee, shall be accompanied by such late fees as are set out in S.C.R. 54(3).
23 Any applicant failing to pass the examination who applies to take the next
24 subsequent examination within the time frame provided by S.C.R. 52(1)(c) shall
25 not be required to pay the fees provided in S.C.R. 54(3) for late application. (See
the inside cover of the *Nevada Supreme Court Rules Regulating Admission*.)

1 **Rules Regulating Admission to the Practice of Law and Instructions**
2 **Regarding Applications, Paragraph 4.**

3 *FILING DATE.* Timely applications must be postmarked on or before March 1 of
4 the examination year for the July bar examination; or October 1 of the year prior
5 to the February bar examination. Late application may be made until May 1 of the
6 examination year of the July bar examination; or December 1 of the year prior to
7 the February bar examination, and must include the appropriate late filing fee of
8 \$550 from Section 3, above. If the date an application is to be postmarked falls on
9 a Sunday or holiday, only those applications postmarked the following business
10 day shall be accepted as timely.