

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AN
AMENDMENT TO RULE OF
PROFESSIONAL CONDUCT 1.2
REGARDING MEDICAL MARIJUANA.

ADKT 0495

FILED

MAY 07 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Tracie K. Lindeman
CHIEF DEPUTY CLERK

*ORDER ADOPTING COMMENT [1] TO
NEVADA RULE OF PROFESSIONAL CONDUCT 1.2*

WHEREAS, on March 11, 2014, the Board of Governors of the State Bar of Nevada filed a petition in this court to amend Nevada Rule of Professional Conduct 1.2, and

WHEREAS, this court has solicited public comment on the Board of Governors' petition and has held public hearing on the petition, and

WHEREAS, this court has the inherent authority to issue supplemental commentary to its rules pursuant to Nev. Const. art. 6, §19, and

WHEREAS, this court has determined that a supplemental comment to the rule is warranted; accordingly,

IT IS HEREBY ORDERED that Comment [1] shall be appended to Nevada Rules of Professional Conduct 1.2 and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that Comment [1] to Nevada Rule of Professional Conduct 1.2 shall be effective immediately. 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 Comment.

Dated this 7 day of May, 2014.

Gibbons, C. J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

cc: All District Court Judges
Alan Lefebvre, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

COMMENT [1] TO NEVADA RULE OF PROFESSIONAL CONDUCT 1.2

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decision concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

[Added; effective May 1, 2006.]

COMMENT

[1] A lawyer may counsel a client regarding the validity, scope, and meaning of Nevada Constitution

article 4, section 38, and NRS chapter 453A, and may assist a client in conduct that the lawyer reasonably believes is permitted by these constitutional provisions and statutes, including regulations, orders, and other state or local provisions implementing them. In these circumstances, the lawyer shall also advise the client regarding related federal law and policy.