

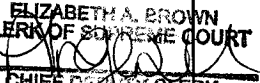
IN THE SUPREME COURT OF THE STATE OF NEVADA

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

ADKT 0495

FILED

FEB 10 2017

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

*ORDER AMENDING RULE OF PROFESSIONAL RESPONSIBILITY 1.2
REGARDING MEDICAL MARIJUANA*

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, the Board of Governors of the State of Nevada filed a supplemental brief in response to this court's request for additional briefing regarding whether any of the Rules of Professional Conduct might require amendment or commentary relevant to an attorney's involvement in state-authorized sales of marijuana; and

WHEREAS, the State Bar responded, recommending that this court adopt a comment to Rule of Professional Conduct 8.4(b).

WHEREAS, this court held public hearing on the proposed comment; 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 Rule of Professional Conduct 8.4(b) and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that Comment [1] to Nevada Rule Professional Conduct 8.4(b) 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 10th day of February, 2017

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Pickering, J.
Pickering


Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

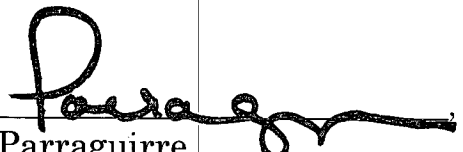
Gibbons, J., with whom Parraguirre, J., agrees, concurring:

While I agree with the majority that a supplemental comment to Rule Professional Conduct 8.4(b) is appropriate, I would adopt the following the language for the comment:

While Nevada law under some circumstances permits medical and recreational use of marijuana, because use, possession, and distribution of marijuana in any form still violates federal law, attorneys are advised that engaging in such conduct may result in federal prosecution and trigger discipline proceedings under SCR 111 under certain circumstances.


Gibbons, J.

I concur:


Parraguirre, J.

cc: All District Court Judges
Bryan K. Scott, 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 8.4(b)

Rule 8.4. Misconduct. It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

(e) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

COMMENT TO 8.4(b)

[1] Because use, possession, and distribution of marijuana in any form still violates federal law, attorneys are advised that engaging in such conduct may result in federal prosecution and trigger discipline proceedings under SCR 111.