

1
2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3
4 IN THE MATTER OF AMENDMENTS
5 TO SUPREME COURT RULE 207:
6 CREATION OF THE BOARD OF
7 CONTINUING LEGAL EDUCATION.

ADKT NO. 0499

FILED

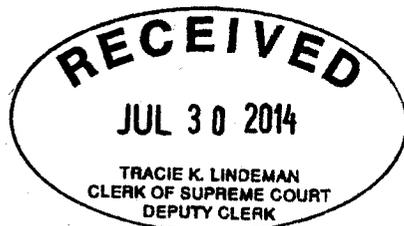
JUL 30 2014

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

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10 In accordance with N.R.A.D. 3.2, the Nevada Board of Continuing Legal Education, by
11 and through the Honorable Judge Brent Adams, hereby petitions this Honorable Court to amend
12 Supreme Court Rule 207, as fully set forth in Exhibit 1 and further explained herein, to provide
13 that the majority of vacancies on the Board are filled by appointment by this Honorable Court,
14 with one Board member appointed by the Board of Governors.

15 DISCUSSION OF PROPOSED RULE CHANGE

16 Supreme Court Rule 207 created the Board of Continuing Legal Education in 1982. At
17 that time, as a new entity, the Board required guidance in its operations. Such guidance included
18 appointments by the State Bar of Nevada of 4 of the 5 Board members. Over time, the
19 organization flourished and its only connection with the State Bar of Nevada was with respect to
20 such Board appointments. The process became one wherein vacancies would be advertised and
21 interested attorneys would submit an application directly to the Board for review and
22 consideration. The Board would then make recommendations for appointments to the Board of
23 Governors. The Board of Governors would review and routinely followed the recommendations.
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1 In 2010, the Supreme Court Rules were amended expanding the Board to seven (7)
2 voting members, 6 of whom are appointed by the Board of Governors and 1 of whom is
3 appointed by this Honorable Court.

4 In December 2013, two Board members were considered for re-appointment. In
5 addition, there existed one vacancy due to the resignation of a Board member. The opening for
6 the resigning Board member was advertised, applications were received and about to be
7 reviewed and considered for recommendation to the Board of Governors when the Board of
8 Governors announced that it would conduct interviews of all applicants and would require the
9 members seeking reappointment to undergo interviews as well. This was the first time such a
10 method had been utilized. The result was the reappointment of one Board member and the
11 appointment of two new Board members selected by the Board of Governors without input from
12 the Board.

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14 Recently, this Honorable Court requested input as to the oversight of the Board. By
15 majority vote, it was the Board's decision to request oversight from this Honorable Court. Thus,
16 this request for a change to Supreme Court Rule 207.

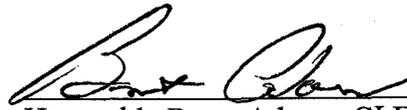
17 The Board is an independent organization whose mission statement is to ensure the
18 furtherance of quality legal education and the continuing legal education of its members. In
19 doing so, the Board reviews CLE courses and has occasion to approve or deny such courses.
20 Given this fact, there is a direct conflict of interest between the State Bar of Nevada, as a CLE
21 provider, and the Board of Continuing Legal Education. Therefore, there should be a complete
22 separation of the entities. The State Bar of Nevada, as a CLE vendor, should not be involved in
23 the administration and regulation of CLE.
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1 A review of Mandatory Continuing Legal Education (MCLE) States shows that 25 states
2 are under the supervision of the Court, while 16 are under the State Bar and 5 states have no
3 MCLE. Recently, more and more states are making this change in order to avoid the conflict of
4 interest.

5 The Board is a working entity which oversees a very small staff. Maintaining a smooth
6 and efficient working relationship is vital to the success of the organization. The Board proposes
7 that the Supreme Court appoint the majority of its members. Such appointments would be open
8 and diversity would be encouraged. The State Bar of Nevada would then appoint one member
9 from the Board of Governors. In addition, the Board is suggesting that the State Bar of Nevada
10 and the Supreme Court may appoint non-voting liaison members to ensure the flow of
11 information and cooperation between the entities.
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13 THIS DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
14 PERSON.

15 Dated this 28th day of July, 2014.

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18 Honorable Brent Adams, CLE Board Member
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Rule 207. Creation of the Board.

1. The board of continuing legal education is hereby created.
2. The board shall consist of seven (7) members, each of whom must be an active member. One (1) member must be concurrently serving as a member of the board of governors. One (1) member must be concurrently serving as a member of the state judiciary. Each member of the board shall have one (1) vote.
3. Six (6) members of the board shall be appointed by the Supreme Court. The court shall also appoint the member of the judiciary. The board shall select its own chair. The board may, in its discretion, appoint nonvoting ex officio members to serve in an advisory capacity only. The State Bar and the Supreme Court may appoint additional nonvoting ex officio members to serve in an advisory capacity only.
4. The terms of the members of the board are as follows:
 - (a) The term of each member shall be three (3) years; however, to ensure that no more than three (3) members' regular terms expire at once, the Court may, in its discretion, designate that an appointee's initial term shall be less than three (3) years.
 - (b) The term of each member expires on December 31 of the final year of the member's term.