



FILED

OCT 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

October 23, 2018

Chief Justice Michael Douglas
Nevada Supreme Court
201 South Carson Street
Carson City, NV 89701-4702

RE: ADKT 0499

Dear Chief Justice Douglas:

On behalf of the Nevada Bar Foundation, I would like to thank the Court for the opportunity to provide comment regarding recent amendments submitted by the Nevada Board of Continuing Legal Education (MCLE Board) to ADKT 0499.

The MCLE Board contacted the Nevada Bar Foundation after the Renewed Request for Amendments to ADKT 0499 was filed and requested confirmation that the Foundation could legally accept donated dollars, as proposed in the petition. Confirmation was provided as to the legality; however, the Foundation's Board of Trustees has not taken a position on the ADKT.

The Nevada Bar Foundation encourages donations that further its goals and appreciates the consideration that this amendment proposes. Should the Court adopt the MCLE Board recommendations, additional information is requested.

Primarily, we seek to understand the scope of funding expected to be directed to the Foundation and any intended restrictions or direction of donated CLE program fees. The Foundation makes annual IOLTA grants to statewide legal service providers and established a second granting program for dollars distributed from the Bank of America settlement with the U.S. Department of Justice. We request the MCLE Board's guidance for how donated CLE program fees are intended to be allocated. Funds may be unrestricted for general use or granted for a specific purpose, such as pro bono support or for legal education programs.

The Nevada Bar Foundation also requests information for how the MCLE Board will disseminate funding obtained from CLE providers who elect to donate to the Foundation in lieu of paying an application fee, as well as the anticipated timing.

The Nevada Bar Foundation purposefully operates on a budget of less than three percent of its total revenue each year, and thus, maximizes its annual granting dollars. Depending on the scope of



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donations anticipated by the MCLE Board and the administrative role the MCLE Board intends for the Foundation to assume, this may require additional staff time.

Finally, ADKT 0499 states that exemptions may be provided if a CLE "program participant agrees to take a pro bono case or engage in another pro bono activity sponsored by a pro bono provider ***recognized by the Nevada Bar Foundation.***" (Emphasis added). The Nevada Bar Foundation, however, does not have a pro bono provider recognition process, program or list. We, therefore, suggest that this statement be amended or removed.

Thank you again for your consideration of this matter. I remain available should the Court have questions.

Sincerely,

Constance Akridge

President, Nevada Bar Foundation

cc: Elizabeth Brown
Kimberly Farmer, State Bar of Nevada Executive Director