



Howard D. McKibben Chapter of the American Inn of Court  
c/o The Honorable Gloria J. Sturman, *President*  
Eighth Judicial District Court, Department XXVI  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
(702) 671-3628

October 12, 2018

**FILED**

NOV 08 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

Chief Justice Michael Douglas  
Justices of the Nevada Supreme Court  
c/o Elizabeth A. Brown, Clerk of the Supreme Court  
201 South Carson Street  
Carson City, Nevada 89701

Re: ADKT 0499

Dear Chief Justice Douglas:

As President of the Howard D. McKibben American Inn of Court, I am writing to provide comment on ADKT 0499, which proposes amendments to Supreme Court Rules 207-215 and the Regulations of the CLE Board. The Board of the HDMAIC is concerned that the proposed amendments will severely impact the ability of our Inn to offer CLE for credit.

The American Inns of Court was established in 1986 to introduce American lawyers to the Common Law tradition of career long continuing education with a special emphasis on learning through mentorship. The Howard D. McKibben Inn was started by the Hon. Howard D. McKibben and was chartered as the 24<sup>th</sup> American Inn in 1986. Our Inn is an all-volunteer tax-exempt corporation with 224 members. In 2017 the CLE Board granted the Inn an exemption from various requirements, including the \$5.00 per attorney/per credit hour fee. As the proposed regulations would eliminate existing exemptions, the application fees for course approval and attendance would be a challenge to the Inn's already tight budget. See, Regulation 1.

Of particular concern is the limitation of exemptions to only those providers which donate their "proceeds" to the Nevada Law Foundation. See, Regulation 6. I could not find a definition of "proceeds" in the proposed regulations. The American Inns provide CLE through a different model than a typical CLE provider, which does not fit neatly into the model described in the proposed Amended Regulations. Inn members pay an annual membership fee, which covers assessments to the American Inns, administrative expenses, food and beverage for meeting attendees, and other related costs.

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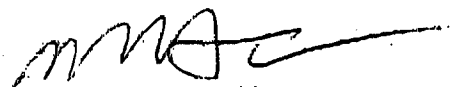
Members are not charged for CLE programs which are presented by small groups (traditionally called "pupilage groups"). The Inn presents a minimum of six (6) programs of one (1) hour each between October and May. Membership consists of attorneys, law students and members of the judiciary; non-members are welcome to attend the CLE programs free of charge. In addition, pupilage group members have obtained presenter credit for preparing their respective programs. The proposed requirement of prior approval of the program materials may prove challenging as groups typically work on their presentations right up to the program. In the past materials have been distributed via Dropbox, this ensures all members have access of the materials even if they cannot attend. See Regulations 5 and 9. While a provider may petition for an exemption on the grounds of "hardship," that term is undefined as is the length of the hardship exemption. See Regulation 5.

While the online reporting tools are welcome, the Proposed Amended Regulations shift much of the data entry burden to the provider and establish new more burdensome reporting requirements. See, Regulation 5. For example, the obligation to monitor attendance and report violations will require that the board members ignore the programming in favor of monitoring their colleagues' cell phone usage. See Regulation 3. The requirement that providers issue attendance certificates is another clerical burden for an all-volunteer organization. See, Regulation 10.

While encouraging donations to the Nevada Law Foundation and/or pro bono contributions is laudatory, doing so at the expense of organizations which seek to provide legal education, foster civility and improve professionalism seems ill advised. If non-profit organizations which offer CLE credit cannot continue to provide those programs, Nevada bar members will be limited to the educational offerings of for profit providers at a much greater cost. In conclusion, the proposed regulations are inflexible and lack definition, leaving CLE providers without clear guidance for operations from year to year.

On behalf of the Board of the Howard D. McKibben American Inn of Court, thank you for considering these comments on ADKT 499.

Sincerely yours,



GLORIA J. STURMAN, President  
Howard D. McKibben Inn of Court

GJS/lid