

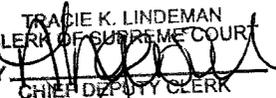
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT
SUPREME COURT RULES 49, 51, 52,
53, 54, 55, 56, AND 66; ADDENDUM 1;
AND RULES REGULATING
ADMISSION TO THE PRACTICE OF
LAW AND INSTRUCTIONS.

ADKT 0508

FILED

JUL 24 2015

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

*ORDER AMENDING SUPREME COURT RULES 49, 51, 52, 53, 54, 55,
56, AND 66; ADDENDUM 1; RULES REGULATING ADMISSION TO
THE PRACTICE OF LAW AND INSTRUCTIONS*

WHEREAS, on June 23, 2015, the Board of Governors of the State Bar of Nevada and the Board of Examiners filed a petition seeking amendments of Supreme Court Rule 49, 51, 52, 53, 54, 55, 56, and 66; and Addendum 1; and Rules Regulating Admission to the Practice of Law and Instructions; and

WHEREAS, this court has determined that proposed amendments to SCR 49, 51, 52, 53, 54, 55, 56, and 66; Addendum 1; Rules Regulating Admission to the Practice of Law and Instruction are warranted; accordingly,

IT IS HEREBY ORDERED that the Supreme Court Rules and Addendum 1 shall be amended as set forth in Exhibit A and B.

IT IS FURTHER ORDERED that this rule shall be effective 30 days from the date of this order. 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 rule amendments.

Dated this 24th day of July, 2015.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Laurence P. Digesti, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO SUPREME COURT RULES 49, 51, 52, 53, 54, 55, 56, AND 66

B. ADMISSION TO PRACTICE LAW; BOARD OF BAR EXAMINERS

Rule 49. Board of governors of state bar to govern admission to practice law; fees; board of bar examiners.

1. **Board of bar examiners.** With the approval of the supreme court, the board of bar examiners, in consultation with the board of governors of the state bar, shall have the power to fix and determine the qualifications for admission to practice law in this state, and shall have the power to fix and collect fees from all applicants for admission to practice law in this state, which fees shall be paid into the treasury of the state bar.

2. **Composition of board of bar examiners; hiring of graders.** The board of bar examiners shall be responsible to the supreme court and shall govern the administration of the bar examination. The board is comprised of fourteen members and the immediate past chair as an ex officio member. A majority of the board of bar examiners shall be appointed by the supreme court, and a minority shall be appointed by the board of governors. The supreme court shall appoint one of the members to chair the board.

The board of bar examiners may hire as many qualified graders as the chair deems necessary to assist the board in the writing and grading of the essay examination. Any grader employed by the board of bar examiners shall be an active member of the state bar and shall be appointed for a period of time not to exceed the term of the board member to whom the grader is assigned. Graders shall be paid in accordance with a schedule proposed by

the chair of the board of bar examiners and approved by the board of governors.

3. **Committee on moral character and fitness; duties and composition.** The committee on moral character and fitness is a subcommittee of the board of bar examiners, and has all those powers and duties delegated under the supreme court rules to the board of bar examiners relating to the conduct of investigations and hearings, and the submission of reports and recommendations to the supreme court respecting the ethical, moral and **[psychological]** fitness of applicants for admission to practice law in this state. The committee on moral character and fitness shall be composed of **[nine]** thirteen members who are active members of the state bar, and up to four lay members who are professionals with expertise in fields that are germane to the determination of character and fitness issues confronted by the committee. **[Five]** Seven of the attorney members shall be appointed by the supreme court, and **[four]** six of the attorney members shall be appointed by the board of governors. The board of governors shall also appoint the lay members of the committee. The supreme court shall appoint one of the attorney members to chair the committee.

For each formal hearing the committee may be divided by its chair into as many hearing panels as the chair believes is necessary to conduct hearings in that district. A hearing panel shall be composed of a minimum of **[four]** three members, one of whom, at the chair's discretion, may be a non-lawyer. The chair shall assign applicants for hearings to the panels and may sit as chair or designate an attorney to sit as acting chair in his or her place.

For those applicants whose applications reflect conduct or information warranting further inquiry, but not necessarily warranting a formal hearing, the chair (or a committee member or members, as determined by the chair)

and the director of admissions may conduct an informal [~~interview~~] hearing in an attempt to counsel an applicant or to resolve a matter informally. If the matter is not resolved to the satisfaction of the chair, a formal hearing may be held.

For those applicants whose applications reflect conduct or information warranting further inquiry, but not necessarily warranting an informal hearing, the admissions director, after consultation with the chair of the C & F Committee, may conduct an informal interview in an attempt to counsel an applicant, to resolve the matter informally or to determine whether a hearing (formal or informal) is required.

* * *

Rule 51. Qualifications of applicants for admission.

1. An applicant for a license to practice as an attorney and counselor at law in this state shall not be admitted to practice law in this state unless such applicant shall:

(a) Have attained the age of majority.

(b) Be present or available within the State of Nevada, and remain so until examined as required by Rule 65, so as to permit and facilitate the examination, investigations, interviews and hearings necessary to determine the applicant's morals, character, qualifications and fitness to practice law.

(c) Have received a degree of bachelor of laws, or an equivalent law degree, from a law school approved by the committee on legal education and admissions to the bar of the American Bar Association, and shall present evidence of the same.

(d) Demonstrate that the applicant is of good moral character and is willing and able to abide by the high ethical standards required of attorneys and counselors at law.

(e) Not have been refused admission to practice law in any state or before any court or governmental agency of the United States on the ground of unfitness of character.

(f) Not have been disbarred from the practice of law in any state or before any court or governmental agency of the United States.

(g) Not ~~[be subject to any mental or emotional disorder]~~ have exhibited any past or present conduct or behavior that could call into question the applicant's ability to practice laws in a competent, ethical and/or professional manner or which would render the applicant unfit to practice law.

* * *

Rule 52. Applications: Filing, number and contents.

1. (a) In order to permit and facilitate the examination, investigations, interviews and hearings necessary to determine the applicant's morals, character, qualifications and fitness to practice law, an applicant for a license to practice as an attorney and counselor at law in this state shall electronically file with the admissions director of the state bar, ~~[on forms furnished by the admissions director, a verified application in duplicate]~~ an application not later than March 1 if the application is for the following July examination and not later than October 1 if the application is for the following February examination. The applicant shall also file a Verification form, to be furnished by the admissions director, in duplicate

within 21 days of mailing of the supplemental package by the admissions director to the applicant.

* * *

Rule 53. Fingerprinting of applicants.

1. An applicant for examination for a license to practice as an attorney and counselor at law in this state shall, as part of the application, be fingerprinted.

2. Each applicant shall, at the applicant's own expense, and on ~~[a card]~~ cards provided by the ~~[state bar,]~~ State Bar of Nevada, arrange to be fingerprinted by any police or sheriff's office and shall ~~[attach the]~~ submit two completed fingerprint ~~[card, after the fingerprints are taken, to the application for admission.]~~ cards and the signed Fingerprint Background Waiver form required by the Nevada Department of Public Safety, to the admissions director within 21 days of mailing of the supplemental package by the admissions director to the applicant. The fingerprint cards shall be completed in strict compliance with the requirements established by the Nevada Department of Public Safety and the Federal Bureau of Investigation, from time to time.

3. The admissions director shall mail the applicant's fingerprint card to the Federal Bureau of Investigation, Washington, D.C., for its report, and to such other law enforcement agencies as the admissions director may deem necessary.

Rule 54. Fees.

1. An applicant for examination for a license to practice as an attorney and counselor at law in this state who has not previously been admitted in any jurisdiction shall pay to the treasurer of the state bar the sum of \$700, inclusive of a \$25 administrative fee, before being entitled to have the application considered.

2. An attorney who has been previously admitted to practice law in any jurisdiction, or who has taken and passed another jurisdiction's bar exam whether or not admitted in the jurisdiction, and who applies to be admitted to practice law in Nevada shall pay to the treasurer of the state bar the sum of \$1,000, inclusive of a \$25 administrative fee, before being entitled to have the application considered.

3. In addition to the fees required in subsections 1 and 2 of this rule, an applicant making late application shall pay to the treasurer of the state bar a sum of \$550 for any late application post-marked between March 2 and May 1, inclusive, for the July examination; or between October 2 and December 1, inclusive, for the February examination. Further, if the date an application is to be postmarked falls on a Sunday or holiday, only those applications postmarked the following business day shall be accepted as timely.

4. No payments shall be refunded except as otherwise provided by these rules.

5. In all cases where an applicant has been denied admission but is permitted to apply again for admission to practice, the applicant shall be required at the time of such further application to make the same payment as on an original application. If an applicant failed to pass the examination and

applies to take the next subsequent examination, the applicant shall not be required to pay the fees set forth in subsection 3 for late application.

6. The board of bar examiners shall assess against an applicant such further fees or costs as in the opinion of the board are reasonably necessary to conduct investigations, to hold hearings and to take depositions either within or without the State of Nevada concerning the character of the applicant. The board of bar examiners shall ~~[estimate the cost of its investigation and provide the applicant with a written estimate of costs. The applicant shall have 10 days from service of the estimate within which to pay the estimated costs to the State Bar of Nevada.]~~ establish appropriate fees to be charged for informal and formal hearings to cover the cost of investigations hearings, transcripts and/or depositions. Any such fees assessed shall be paid into the treasury of the ~~[state bar]~~ State Bar of Nevada prior to the commencement of any such investigation, hearing or the taking of a deposition.

Should the actual fees or costs incurred in the conduct of such investigation, hearing or taking of a deposition exceed the amount assessed by the board of bar examiners, the applicant shall pay the excess fees or costs before a final determination is made in the applicant's case upon the entry of a further order therefor by the board.

Failure to pay such fees as may be assessed by the board of bar examiners may be considered grounds for denial of admission.

Within 30 days after written notice to the applicant of the entry of an order by the board of bar examiners assessing further fees or costs pursuant to this rule, the applicant may petition the supreme court for a review thereof.

Rule 55. Transcripts of academic grades provided to the board of bar examiners.

1. An applicant for examination for a license to practice as an attorney and counselor at law in this state shall, as part of the application and at the applicant's own expense, provide the admissions director of the state bar with one certified copy of the applicant's transcripts of grades from colleges, universities and law schools from which the applicant graduated, the names of which are stated in the application pursuant to Rule 51 and paragraph (d) of subsection 2 of Rule 52.

2. [~~If possible, such transcripts shall accompany the application when filed with the admissions director of the state bar, but in any event should be filed with the admissions director not later than the 10th day of the month in which the bar examination will be taken.~~] Transcripts shall be filed with the admissions director of the state bar within 21 days of mailing of the supplemental package by the admissions director to the applicant.

* * *

Rule 56. Number and disposition of applications; approval by board of bar examiners.

1. All applications for admission to practice law in Nevada shall be submitted in duplicate and filed with the admissions director of the state bar pursuant to subsection 1 of Rule 52. Upon receipt thereof, the admissions director shall transmit immediately one copy to the clerk of the supreme court. The remaining copy shall be retained by the admissions director for use in determining the applicant's qualifications for admission.

(a) The admissions director of the state bar shall review the application to determine whether it has been completed and filed in compliance with the requirements of Rules 51 through 55. If an application is incomplete, the admissions director shall give the applicant one written notification of the deficiencies in the application. The applicant shall have 30 days from the date of mailing of the notice of the deficiencies, or until 30 days before the examination, whichever date is earlier, to cure the deficiencies and complete the application. If the application is not completed within the allotted time, the admissions director shall recommend to the board of bar examiners that the application be rejected.

(b) If the admissions director recommends to the board of bar examiners that an application be rejected because it is not complete, the board may reject the application, and shall reject the application if the deficiencies in the application are such that the board cannot adequately and thoroughly investigate the applicant's morals, character, qualifications and fitness to practice law.

(c) As provided in Rule 67, the admissions director shall reject the application if the applicant has previously been denied admission with prejudice in this state for failure to meet the necessary character requirements.

(d) Only the board of bar examiners may recommend denial, with or without prejudice, of an application, pursuant to Rule 64, on the grounds that the applicant has failed to demonstrate good moral character and willingness to abide by high ethical standards, or that the applicant has failed to demonstrate that no ~~[mental or emotional disorder]~~ past or present conduct or behavior exists that could call into question the applicant's ability to practice law in a competent, ethical and/or professional manner or renders

the applicant unfit to practice law. In the absence of the timely filing of a petition pursuant to the provisions of Rule 64, the court shall refuse to disturb such an adverse recommendation of the board. If the recommendation is to deny admission without prejudice, the board may impose conditions which the applicant must fulfill before the applicant will be permitted to file a subsequent application for admission to practice law. Further, the board shall recommend a period of time, not to exceed 5 years, before the applicant may reapply.

* * *

Rule 66. Examinations: Subjects.

1. The essay examination shall be comprised of [~~eight~~] not less than seven questions prepared by the board of bar examiners of the state bar, and, beginning with the July 1997 examination, may include one or more Performance Test question(s). The essay examination shall test applicants on legal ethics and may test applicants on their knowledge of the following subjects: constitutional law; evidence; contracts; criminal law and procedure; real property; torts; remedies; community property; conflict of laws; persons and domestic relations; corporations; agency and partnership; wills, estates and trusts; Uniform Commercial Code (Articles 2, 3, and 9); and pleadings and practice under the Nevada Rules of Civil Procedure and the Federal Rules of Civil Procedure. The Performance Test question(s) may test applicants on their knowledge of the following skills: problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas. The essay examination shall test applicants on legal ethics and may test

applicants on their knowledge of both fundamental legal principles and Nevada law.

2. Questions may embrace more than a single subject.

EXHIBIT B

AMENDMENT TO ADDENDUM 1 OF THE SUPREME COURT RULES

Addendum 1. Policies and Procedures of the Board of Bar Examiners and the Moral Character and Fitness Committee

I. BOARD OF BAR EXAMINERS

* * *

2. **Composition.** In accordance with S.C.R. 49(2), the board of bar examiners is comprised of fourteen members and the immediate past chair as an ex officio member. A majority of the members are appointed by the supreme court (court), and a minority of the members by the board of governors. The chair is appointed by the court.

In addition to the members of the board, board members may hire as many qualified graders as the chair deems necessary to assist the board in the writing and grading of the essay examination. Said graders are to be paid in accordance with a schedule set by the chair and approved by the board of governors.

The board also maintains two subcommittees—the Committee on Moral Character and Fitness and the Functional Equivalency Committee.

A. **The Committee on Moral Character and Fitness (C & F Committee).** The C & F Committee was originally created by court order dated September 29, 1993, as a subcommittee of the board, and was formally codified in S.C.R. 49(3) in November 1996. The ~~[committee]~~ C & F Committee is composed of ~~[nine]~~ thirteen members who are active members

of the State Bar of Nevada as well as up to four lay members who are professionals with expertise in fields that are germane to the determination of the character and fitness issues presented to the C & F Committee. ~~[Five]~~ Seven attorney members are appointed by the court, and ~~[four]~~ six attorney members by the board of governors. The lay members are appointed by the board of governors. The chair is selected by the court from the attorney members.

* * *

III. APPLICATION PROCEDURES

* * *

11. Supplemental Information. ~~[In addition to an original and one copy of the application for admission, all]~~ All applicants must submit two letters of reference, certified law school transcripts, certificated undergraduate transcripts, and Department of Motor Vehicle printouts from every state in which the applicant has been licensed to drive in the five years immediately preceding the ~~[filing]~~ submission of the application. In addition to the foregoing, all attorney applicants (as defined in S.C.R. 54(2)) must provide certificates of good standing and disciplinary history reports from each jurisdiction in which they have successfully taken and passed the bar examination, whether or not the applicant is licensed in that jurisdiction. ~~[If possible, these]~~ These items ~~[should accompany the application, but in any event]~~ shall be filed not later than ~~[30]~~ 21 days after ~~[the filing]~~ mailing of the ~~[application.]~~ supplemental package to the applicant by the

admissions director, with the exception of certified law school transcripts from the applicants who have not graduated from law school at the time of submission of the application, which must be submitted within the time frames set forth in S.C.R 55(2).

* * *

IV. MORAL CHARACTER AND FITNESS

* * *

20. **The Investigative Process.** The burden of producing information always remains on the applicant. The applicant, upon making application for admission, authorizes the state bar, and its agency and representatives, to acquire from any source any information it may request concerning the applicant's professional, academic and moral character and fitness qualifications and shall consent to the disclosure of all such information pursuant to any request by the applicant's law school(s), any state bar, bar association, the National Conference of Bar Examiners or other admitting authority.

A. **Authorization and Release.** Each investigation is initiated by requiring the applicant to execute under oath a thorough application and to sign an authorization and release form that extends to the board and its subcommittees, the state bar, and its agency or representatives, and to any persons or institutions supplying information thereto.

B. **Further Inquiry.** The applicant may be asked to provide facts and/or explanations, in addition to the questions asked on the bar

application. In order to verify the accuracy of the information provided in the application, or to obtain additional information, the committee may also contact the applicant's references, the applicant's employers, colleges and law schools, courts, medical providers, police agencies, credit agencies, and the military, if the applicant has served in the Armed Forces, or any other source deemed relevant. The committee can employ its own investigator and/or may use the investigative services of the National Conference of Bar Examiners.

The board, in its discretion, may refuse to permit an applicant whose application complies with the requirements of S.C.R. 52 to take the bar examination if the board has not completed its investigation into the applicant's moral character or fitness for admission. If the applicant subsequently receives final approval of the board, the applicant shall be permitted to take the bar examination next following such approval without submission of further fees or applications, except as the board, in its discretion may order.

C. Review and Recommendation by the Director of Admissions. The director of admissions shall review each application for admission to determine whether it has been completed and filed in compliance with the requirements of S.C.R. 51 through S.C.R. 55. After thorough investigation, the director may determine that the application is complete and that the applicant has demonstrated that he/she possesses the requisite moral character and fitness required to practice law in the State of Nevada and recommend to the board that the applicant be cleared for character and fitness. If the director determines that information within the application warrants further review by the C & F Committee, the director shall refer the application to the chair of the C & F Committee with a recommendation that the applicant be cleared or that a formal hearing or an

informal hearing, or an informal interview, be conducted with the applicant to determine if the applicant has failed to demonstrate good moral character, or mental or emotional fitness to practice law. The chair of the C & F Committee may accept the director's recommendation and proceed accordingly, or, may make such other determinations as the chair, in his/her sole discretion, deems appropriate.

* * *

22. **Relevant Conduct.** The discovery of any of the following may be considered by the C & F Committee in determining character and fitness to practice law:

- unlawful conduct
- academic misconduct
- false statements, including omissions
- misconduct in employment
- acts involving dishonesty, fraud, deceit or misrepresentation
- abuse of process
- neglect of financial responsibilities, including student loans
- failure or neglect of child and/or spousal support
- neglect of professional obligations
- violation of an order of a court or other tribunal
- contempt of court
- [~~mental or emotional instability~~] conduct or behavior that could call into question the applicant's ability to practice law in a

competent, ethical and/or professional manner or renders the applicant unfit to practice law

- substance or alcohol dependency or abuse
- denial of admission to, or suspension from, the bar in another jurisdiction
- disciplinary action by a lawyer disciplinary agency or other professional disciplinary or licensing authority of any jurisdiction.

* * *

26. **Counseling/Treatment Recovery.** If an applicant has a problem with drugs or alcohol [~~or any other mental or emotional problems,~~] he/she is strongly encouraged and may be required to seek counseling or treatment needed. An applicant's recognition of the problem and his/her treatment record may be evidence of recovery or be positively considered by the C & F Committee. The C & F Committee encourages active participation in a recovery program where appropriate.

27. **Psychiatric or Psychological Counseling.**² [~~Mental or emotional instability, like substance dependency or abuse, is one of the factors which the C & F Committee considers. The C & F Committee may, in its discretion, require an applicant to undergo a psychological evaluation or psychiatric assessment at the applicant's expense and to submit a written report.~~] The C & F Committee may inquire into an applicant's mental health status only when self-disclosed by the applicant or when information is obtained after inquiry by the C & F

²The board's investigation and inquiry will be conducted in accordance with the Americans with Disabilities Act.

Committee into past or present conduct or behavior that brings into question the applicant's mental health, including, without limitation, past drug or alcohol-related activities or arrests. The medical records of an applicant's currently treating licensed professional will carry significant weight when reviewed by the C & F Committee. Independent medical examinations for mental health issues will be considered only when no other means reasonably exist to determine whether the applicant's mental health calls into question whether he/she has the requisite character and fitness to practice law in the state.

The C & F Committee recognizes that the stresses of law school, as well as other life factors, frequently result in applicants seeking psychiatric or psychological counseling. Again, the C & F Committee encourages applicants to obtain such counseling or treatment. An applicant should not allow a future bar application to color that decision. Only those forms of mental or emotional problems which are untreated and have resulted in conduct or behavior that have been determined to have an adverse impact on the applicant's ability to practice law will trigger an investigation or have an impact on bar admission decisions.

[Questions] There will not be any specific questions on the Application for Admission regarding whether an applicant has had professional counseling, treatment, and medication **[are]** so as not **[intended]** to invade unnecessarily the applicant's privacy or to discourage applicants from seeking professional **[assistance.]** assistance, although the C & F Committee may inquire into an applicant's mental health or treatment if self-disclosed by the applicant or if the information arises out of inquiries into past or present conduct or behavior which call into question an applicant's ability to practice law in this state. Occasional short-term counseling for relationship

problems or situational stress, or if an applicant is being successfully treated for mental illness by a licensed professional, standing alone, are generally not reasons for further inquiry. The director of admissions will not seek mental health treatment records without first notifying the applicant and obtaining the proper medical authorization and release form from the applicant.

* * *

31. **Hearings Before the C & F Committee.**

A. **Authority to Conduct Hearings.** The C & F Committee has the authority to conduct a hearing on the qualifications of the applicant for admission and may hear relevant evidence, administer oaths and affirmations, require substance or psychological evaluations, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

B. **Notice.** The applicant has the right to be present at the hearing and shall be entitled to 5 days' notice thereof if served personally and 10 days' notice if served by mail. The notice only requires that the applicant is advised that "matters generally pertaining to your character and fitness may be inquired into." The notice shall advise the applicant that he/she has the right to be represented by counsel of choice at the proceedings, the power to compel the attendance of witnesses, and the production of books, papers and documents pertaining to the matter under investigation, and the names of the witnesses the C & F Committee plans to call (if any). The notice shall further inform the applicant that the C & F Committee is required to assess and require advance payment of further fees and costs (the amount shall be detailed therein) against an applicant that, in its opinion, are reasonably

necessary to conduct an investigation or hearing or to take depositions either within or without the State of Nevada concerning the character of the applicant.

C. Procedure.

(i) Composition of the Committee (Quorum). The C & F Committee consists of [~~nine~~] thirteen members of the State Bar of Nevada, and up to four [~~nonlawyers~~] non-lawyers who specialize in professions whose expertise is germane to matters of moral character and fitness to practice law. Members of the C & F Committee shall be appointed to serve for terms of three years. There is no limit on the number of terms an attorney may serve on the committee.

(a) Formal Hearing. The C & F Committee may be divided by its chair into as many hearing panels composed of a minimum of [~~four~~] three members, on a case-by-case basis, one of whom may be a non-lawyer, as the chair believes necessary to conduct hearings. The chair will assign applicants for hearings to the panels and may sit as chair for the panel or designate an attorney to sit as acting chair in his/her place. Formal hearings shall be held only for applicants who are successful on the bar examination. The fee for formal hearings shall be \$2,500.00. The director of admissions shall, in his or her judgment, be permitted to reduce the fee or allow for a deferred payment plan based on an applicant's showing of financial hardship, provided that all fees charged must be paid in full before an applicant will be admitted to practice law in this state. The admissions director's decision as to fees shall be final.

(b) Informal [~~Interview.~~] Hearing. For those whose applications reflect conduct or information warranting further inquiry, but may not necessarily require a formal hearing, the chair and the director of

admissions, or their designee, may conduct an informal [interview] hearing in an attempt to counsel with an applicant, or to resolve a matter informally. Informal hearings shall be held only for applicants who are successful on the bar examination. The fee for informal hearings shall be \$250.00. The director of admissions shall, in his or her judgment, be permitted to reduce the fee or allow for a deferred payment plan based on an applicant's showing of financial hardship, provided that all fees must be paid in full before an applicant will be admitted to practice law in this state. The admissions director's determination as to fees shall be final.

(c) Informal Interview. For those whose applications reflect conduct or information warranting further inquiry, but may not necessarily require a formal or informal hearing, the director of admissions, after consultation with the chair, may conduct an informal interview in an attempt to counsel with an applicant, or to resolve the matter informally. Informal interviews may be held for applicants before or after the results of a particular bar examination are known. No additional fees will be charged for informal interviews.

(ii) Burden. As in all other admission matters before the board and the court, in an informal interview and in a formal hearing before the C & F Committee, the burden remains upon the applicant to prove that he/she has the requisite moral character and fitness to practice law in the State of Nevada.

(iii) Standard of Proof. In all proceedings before the board and the C & F Committee, the standard of proof is clear and convincing evidence.

(iv) Order of Presentation. Although hearings before the C & F Committee are conducted informally, and may deviate from time to time, the

following generally describes the manner in which hearings will be conducted.

(a) **Formal Hearing.** All formal hearings will be reported by a certified court reporter and a transcript of the proceedings may be ordered by the chair, the court or the applicant. The transcript will be ordered for any adverse recommendation reviewed by the court. The transcript is deemed to be confidential. The chair will call the hearing to order and make an opening statement, introduce the hearing panel members, and explain the purpose for the hearing and the duty of the C & F Committee in conducting the hearing. The applicant or applicant's counsel will then be asked to make an opening statement if desired, and to present any witnesses or present such evidence that the applicant deems necessary. All witnesses must testify under oath. Members of the hearing panel may also inquire of the witness(es). At the conclusion of the hearing, the applicant or his/her counsel is invited to make a closing statement.

(b) **Informal Hearings and Interviews.** Informal hearings and interviews shall be conducted informally and shall not be reported.

D. Decision and Recommendation. The C & F Committee shall submit findings and make a recommendation to the court (see section titled "Due Process" for adverse recommendations by the [~~committee~~], C & F Committee).

(i) **Formal Hearing.** The Board of Bar Examiners shall notify the applicant of the results of the hearing within 30 days of the conclusion of any formal hearing. The hearing panel chair will submit findings and recommendations to the court with proof of service upon the applicant in accordance with S.C.R. 69(2). If the board has permitted an applicant to take the bar examination and the applicant is successful on an examination, the

C & F Committee must complete its investigation and make its recommendation to the court prior to June 1 of the year immediately following the year in which a July applicant is successful on the examination or January 1 of the year immediately following the year in which a February applicant is successful on the examination. Should the applicant fail to pass the examination, a character and fitness hold will continue until the applicant is successful on a later examination.

(ii) Informal [~~Interview.~~] Hearing. The chair, or his/her designee, may clear the applicant for character and fitness after an informal interview or may refer the matter for a formal hearing.

(iii) Informal Interview. The admissions director may clear the applicant for character and fitness after an informal interview or may refer the matter for a formal or informal hearing.

* * *

V. BAR EXAMINATION

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33. **Composition of the Exam.** The bar examination is composed of the Multistate Bar Examination, to be administered nationally the second day of the exam, and the Nevada Essay Exam, the first session to be administered on the first day of the exam, the second session on the third day of the exam. Beginning with the July 1997 examination, the board shall also administer one or more performance tests. Applicants may choose to use a personal computer, or hand write the essay examinations and performance

tests. Nevada essay examination subjects and the skills to be tested by the performance exam are set forth in S.C.R. 66.

A. **Multistate Bar Examination (MBE).** The MBE is a national bar examination prepared by the National Conference of Bar ~~[Examiners.]~~ (the NCBE). It is scored and analyzed by ~~[American College Testing Service.]~~ the NCBE. It consists of 200 multiple choice questions involving the following areas of law: real property, contracts, torts, federal civil procedure, evidence, criminal law and constitutional law. It is a six-hour examination administered in two, three-hour sessions.

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VI. GRADING BAR EXAMINATIONS

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39. **Regrade Procedures.** Applicant's examinations with total scaled scores immediately below the passing point are reconsidered before final certification to the court. The board believes that this grading system affords each applicant a fair and careful consideration of all answers on the bar examination and that subsequent to the certification of the grades to the court, no useful purpose would be served by further consideration by the board. Thus, after the filing of the first order admitting applicants by the court, the board shall not reconsider any essay answers.

Regrade of the MBE. Applicants may request that ~~[ACT]~~ the NCBE hand grade the MBE examination for an additional administrative fee. Applicants requesting a manual regrade must submit a written request

to the department of admissions accompanied by a check in the amount of ~~[\$6.00]~~ \$50.00 made payable to ~~[American College Testing.]~~ the NCBE and a check in the amount of \$12.50 made payable to the State Bar of Nevada. The state bar will not accept the score of a manual regrade of the MBE unless it is reported to the second decimal place.

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41. **MBE Score Transfers.** Successful applicants cannot review their MBE or essay examinations nor can they find out their total scaled scores on the examination. An applicant who wishes to transfer MBE scores to another jurisdiction must put the request in writing and send it, accompanied by a check for ~~[\$10.00]~~ \$25.00 made out to the State Bar of Nevada to cover administrative costs, to the Admissions Department of the State Bar of Nevada.

42. **Unsuccessful Applicants.**

A. **Notification.** Applicants who are unsuccessful on the bar examination shall be notified in writing by the State Bar of Nevada within 30 days of the date the order is filed admitting applicants to practice law in the State of Nevada. This notice shall be accompanied by a statistical analysis of the applicant's scores with an explanation of the grading procedures employed by the board's psychometrician. ~~[A \$25.00 refund of the license fee shall be sent within 30 days of the notification by the board.]~~ The \$25.00 license fee shall not be refunded under any circumstances.

B. **Review of Answers.** To obtain copies of essay exam answers and questions, applicants must send ~~[\$25.00]~~ \$35.00 to the

Admissions Department of the State Bar of Nevada. Requests for copies of answers must include the applicant's ID number as well as a sample of his/her handwriting. Answers are available for three years from the date of the bar examination. Marks or comments from the graders do not appear on the essay answers. There shall be no right of appeal or review as to the examination or its results.

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VII. ADMISSION

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48. **Bar Cards and Bar Dues.** The State Bar of Nevada issues bar cards for new admittees following the swearing-in ceremonies. Active members admitted to practice in any jurisdiction less than five (5) years shall pay an annual membership fee of [~~\$200.00,~~ \$250.00, and active members admitted to practice in any jurisdiction five (5) years or more shall pay [~~\$350.00,~~ \$450.00. Dues shall be billed on or around December 1 of the year the new admittee passed the bar examination. Inactive dues are [~~\$75.00 for an attorney who wishes to be placed on the mailing list, and \$25.00 for an attorney who does not wish to receive any correspondence,~~ \$125.00.

49. **Additional Inquiries.** Please direct any additional inquiries to the State Bar of Nevada, Attention: Admissions Department, [~~600 East~~] 3100 West Charleston Boulevard, Suite 100, Las Vegas,

Nevada ~~[89104]~~ 89102, (702) 382-2200, [~~Fax (702) 382-6676.~~] or email
(admissions@nvbar.org).