

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS  
TO SUPREME COURT RULE 116

ADKT 525

**FILED**

MAY 25 2017

*ORDER SCHEDULING PUBLIC HEARING  
AND REQUESTING PUBLIC COMMENT*

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

On May 8, 2017, the Board of Governors of the State Bar of Nevada filed a petition to amend Supreme Court Rule 116 to set forth explicit reinstatement criteria to be met by lawyers who have been subjected to a disciplinary suspension of more than six months. The proposed amendments are attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the petition on Monday, July 17, 2017, at 2:30 p.m. in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

Further, this court invites written comment from the bench, bar, and public regarding the proposed amendments. An original and 8 copies of written comments are to be submitted to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., July 5, 2017. Comments must be submitted in hard-copy format. Comments submitted electronically will not be docketed. Persons interested in participating in the hearing must notify the Clerk no later than July 5, 2017.

**Hearing date:** July 17, 2017, at 2:30 p.m.  
Supreme Court Courtroom  
408 East Clark Avenue  
Las Vegas, Nevada 89101

**Comment deadline:** July 5, 2017, at 5:00 p.m.  
Supreme Court Clerk's Office  
201 South Carson Street  
Carson City, Nevada 89701

DATED this 25<sup>th</sup> day of May, 2017.

Cherry, C.J.  
Cherry

cc: Bryan K. Scott, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
All District Court Judges  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Administrative Office of the Courts

## EXHIBIT A

### Rule 116. Reinstatement.

1. **Order of supreme court required.** An attorney suspended as discipline for more than 6 months may not resume practice unless reinstated by order of the Supreme Court.

2. **Procedure for reinstatement.** Petitions for reinstatement by a suspended attorney shall be filed with bar counsel's office, which shall promptly refer the petition to the chair of the appropriate disciplinary board. The chair shall promptly refer the petition to a hearing panel, which shall, within 60 days after referral, conduct a hearing. The attorney has the burden of demonstrating by clear and convincing evidence that he or she ~~has the moral qualifications, competency, and learning in law required for admission to practice law in this state, and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest.~~ met the following criteria:

- Full compliance with the terms and conditions of all prior disciplinary orders;
- The lawyer has neither engaged in nor attempted to engage in the unauthorized practice of law during the period of suspension;
- Any physical or mental disability or infirmity existing at the time of suspension has been removed; if alcohol or other drug abuse was a causative factor in the lawyer's misconduct, the lawyer has pursued appropriate treatment, has abstained from the use of alcohol or other drugs for a stated period of time, generally not less than one year and is likely to continue to abstain from alcohol or other drugs;

- The lawyer recognizes the wrongfulness and seriousness of the misconduct resulting in the suspension;
- The lawyer has not engaged in any other professional misconduct since suspension;
- Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite honesty and integrity to practice law; and
- The lawyer has kept informed about recent developments in the law and is competent to practice.

Within 60 days after the hearing concludes, bar counsel shall file the record of the proceedings, together with the panel's findings and recommendation, with the supreme court. Receipt of the record shall be acknowledged in writing by the supreme court clerk.

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