

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 IN THE MATTER OF AMENDMENT)
4 OF SUPREME COURT RULES)
5 PROPOSING RULE FOR)
6 TEMPORARY CERTIFICATION TO)
7 PRACTICE LAW FOR ATTORNEY)
8 SPOUSES OF ACTIVE DUTY)
9 MILITARY PERSONNEL)

ADKT NO.: 0531

FILED

NOV 22 2017

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

9 COME NOW, the Board of Governors of the State Bar of Nevada, hereinafter
10 referred to as the “Board,” and respectfully reports as follows:

11 The Board appointed a taskforce to review and consider issues of all matters
12 relating to reciprocity and other avenues that provide for an attorney to gain
13 admission to practice law in Nevada without examination. Based upon
14 recommendations presented by the taskforce, the Board approved a proposal to
15 provide for the temporary certification of attorney spouses of active duty military
16 personnel.

17 In 2017, four states adopted rules for licensing accommodations for attorneys
18 who are military spouses, bringing the total number of jurisdictions with such rules
19 to twenty-six. The genesis of special rules for military spouses began with efforts
20 in 2012 resulting in the adoption of a resolution by the American Bar Association
21 House of Delegates voicing support of changes in state licensing requirements for
22 military spouses with law degrees. The Conference of Chief Justices, in July of
23 2012, provided similar support through a resolution encouraging all jurisdictions to
24 consider the implementation of rules for the admission without examination of
25 dependents of service members.

117-40489

1 The demands on the family of an active-duty servicemember are unique and
2 undeniable. Research demonstrates military spouses move at a rate ten times that
3 of a civilian family and 1 in 10 are likely to remain in one location for at least 5
4 years.¹ It is important to note such moves are not voluntary. The restrictions on
5 finding employment for an attorney spouse forced to move to a new jurisdiction is
6 compounded due to bar licensing requirements that require passage of an
7 examination.

8 In recognition of these difficulties, many jurisdictions have sought to
9 demonstrate support for our military service members by allowing for the granting
10 of a license to spouses to practice law without examination. As previously noted,
11 adoption of such rules is supported by resolutions passed by the American Bar
12 Association House of Delegates and the Conference of Chief Justices. A
13 temporary certification will allow spouses licensed in another jurisdiction to
14 practice for the limited time his or her spouse is located in Nevada under military
15 orders.

16 In order to accomplish the proposed adoption the Board respectfully submits
17 the following be added as a new paragraph in the Supreme Court Rules pertaining
18 to certifications to practice law:

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23 ¹ U.S. DEP'T OF DEF. AND U.S. DEP'T OF THE TREASURY, SUPPORTING
24 OUR MILITARY FAMILIES: BEST PRACTICES FOR STREAMLINING
25 OCCUPATIONAL LICENSING ACROSS STATE LINES (2012) at 3; U.S.
DEP'T OF DEF., REPORT ON MILITARY SPOUSE EDUCATION AND
EMPLOYMENT 2 (2008) at 2.

1 **Rule 49. Temporary certification for attorney spouses of active duty**
2 **military personnel stationed within the State of Nevada.**

3 1. **Eligibility.** Notwithstanding the provisions of Rule 49, an attorney
4 who is admitted to practice in any other jurisdiction, and who demonstrates presence
5 in Nevada as a spouse of a member of the United States Uniformed Services
6 pursuant to military orders, may be certified to practice before all courts of this state
7 subject to the conditions of this rule and to such further conditions as the court may
8 hereafter direct.

9 2. **Requirements.** An attorney applying for certification under this rule
10 must:

11 (a) Have been admitted to practice law in another U.S. state, territory, or
12 the District of Columbia.

13 (b) Reside, or intend within the next six months to reside, within the State
14 of Nevada as a spouse of a member of the United States Uniformed Services.

15 (c) Demonstrate the qualifications for admission set forth in paragraphs
16 (c) through (j) of subsection 1 of Rule 51.

17 (d) Establish that the applicant is currently a member in good standing in
18 all jurisdictions where admitted.

19 (e) Establish that the applicant is not currently subject to attorney
20 discipline or the subject of a pending disciplinary matter in any jurisdiction.

21 (f) Not have failed the state bar examination within five years of the date
22 of filing an application under this rule.

23 (g) Not have been denied admission to the practice of law in Nevada.

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1 (h) Achieve a scaled score on not less than 85.00 on the Multistate
2 Professional Responsibility Examination not earlier than 3 years preceding the
3 filing of an application under this rule.

4 3. **Application.** Application for certification to practice law in this state
5 under the provisions of this rule shall be on a form provided by and submitted to
6 the admissions director of the state bar. The state bar may require such information
7 from an applicant under this rule as is authorized for any applicant for admission to
8 practice law, and may make such investigations, conduct such hearings, and
9 otherwise process applications under this rule as if made pursuant to the rules
10 governing application for admission, excepting provisions and deadlines directly
11 pertaining to the bar examination.

12 4. **Application and annual fee.** An applicant for certification to
13 practice law in this state under the provisions of this rule shall pay to the treasurer
14 of the state bar the sum of \$1,000, which payment shall not be refunded, and the
15 first-year annual fee equivalent to the annual membership dues paid by active
16 members of the State Bar of Nevada of comparable longevity. In the event the
17 application is not accepted, the annual fee shall be refunded.

18 5. **Bar Membership.** An attorney certified to practice under this rule
19 does not qualify for active membership in the State Bar of Nevada.

20 6. **Discipline.** Attorneys certified under this rule shall be subject to the
21 jurisdiction of the courts and disciplinary boards of this state with respect to the law
22 of this state governing the conduct of attorneys to the same extent as an active
23 member of the State Bar of Nevada. He or she shall familiarize himself or herself
24 and comply with the standards of professional conduct required by members of the
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1 State Bar of Nevada. The rules of the Supreme Court of Nevada shall govern in any
2 investigation or proceeding conducted by the State Bar of Nevada under this rule.

3 7. **Continuing legal education.** During the time an attorney is
4 certified under this rule, the attorney shall comply with the same requirements for
5 continuing legal education as may be prescribed for active members of the State
6 Bar of Nevada.

7 8. **Renewal of certification.**

8 On or before March 1 of each year, an attorney certified under this rule shall:

9 (a) comply with all obligations and requirements as may be prescribed for
10 active members of the state bar; and

11 (b) remit to the State Bar of Nevada a fee equivalent to the annual
12 membership due paid by active members of the State Bar of Nevada of comparable
13 longevity.

14 9. **Failure to renew.**

15 An attorney certified to practice under this rule who fails to properly renew
16 the certification or pay the renewal fees shall be suspended from practicing law
17 upon 60 days' written notice to the attorney. The procedure for the suspension and
18 reinstatement of limited practitioners is the same as that followed for active
19 members of the State Bar of Nevada.

20 10. **Termination.** Certification to practice under this rule shall
21 terminate by any of the following events:

22 (a) the servicemember separates or retires from the United States
23 Uniformed Services;

24 (b) the military spouse attorney ceases to be a dependent of the
25 servicemember;

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(c) the servicemember is permanently transferred outside Nevada pursuant to military orders, except if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, but only until such time as the servicemember is assigned to a location with dependents authorized;

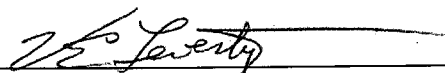
(d) the military spouse attorney is admitted to the general practice of law under any other rule; or

(e) the military spouse fails to meet annual licensing requirements for an active member of the state bar.

In no event shall certification to practice under this rule remain in effect longer than 4 years.

RESPECTFULLY SUBMITTED this 16th day of November 2017.

STATE BAR OF NEVADA
BOARD OF GOVERNORS


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