

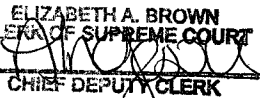
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT OF
SUPREME COURT RULES
PROPOSING RULE FOR TEMPORARY
CERTIFICATION TO PRACTICE LAW
FOR ATTORNEY SPOUSES OF
ACTIVE DUTY MILITARY
PERSONNEL.

ADKT 0531

FILED

JAN 02 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER SCHEDULING PUBLIC HEARING
AND REQUESTING PUBLIC COMMENT*

On November 22, 2017, the Board of Governors of the State Bar of Nevada filed a petition to propose Supreme Court Rule (SCR) 49 to set forth temporary certification to practice law for attorney spouses of active duty military personnel. The proposed rule is attached as Exhibit A.


The Nevada Supreme Court will conduct a public hearing on the petition on Tuesday, February 6, 2018, at 3:00 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., January 30, 2018. 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 January 30, 2018.

Hearing date: February 6, 2018, at 3:00 p.m.
Supreme Court Courtroom
408 East Clark Avenue
Las Vegas, Nevada 89101

Comment deadline: January 30, 2018, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 2nd day of January, 2018.


_____, C.J.
Douglas

cc: Vernon Leverty, 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

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;

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

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

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

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

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