

1 practices. This term is intended to require a termination of the limited certification
2 if the military spouse is no longer married to the service member.

3 The proposed language is intended to limit practice under this rule for a
4 period not to exceed four (4) years. The State Bar concurs that the finality of the
5 durational limitations could be more clearly set forth.

6 In response to the comments offered at the public hearing, the State Bar has
7 considered these matters and respectfully submits amendments to the proposed rule,
8 attached hereto as Exhibit A.

9 RESPECTFULLY SUBMITTED this _____ day of _____, 2017.

10 STATE BAR OF NEVADA
11 BOARD OF GOVERNORS

12 

13 _____
14 Vernon E. Leverty, President
15 Nevada Bar No. 1266
16 3100 West Charleston Boulevard, Suite 100
17 Las Vegas, Nevada 89102
18 (702) 382-2200
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23
24
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EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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 a one-time application fee in the sum of \$1,000, which payment shall
15 not be refunded, and the first-year annual fee equivalent to the annual membership
16 dues paid by active members of the State Bar of Nevada of comparable longevity.
17 In the event the 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
25

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 theis no
25 longer married to the 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 11. Duration. In no event shall a military spouse be permitted to practice
11 under this rule after the expiration of four years from the date of the issuance of the
12 limited certification. No certification shall be extended or issued to permit the
13 practice of law beyond the date of expiration.