

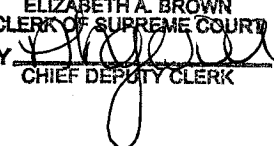
IN THE SUPREME COURT OF THE STATE OF NEVADA

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

ADKT 531

FILED

MAR 21 2018

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

ORDER AMENDING SUPREME COURT RULE 49

WHEREAS, on November 22, 2017, the Board of Governors of the State Bar of Nevada filed a petition in this court seeking the amendment of Supreme Court Rule 49 to provide for temporary certification to practice law for attorney spouses of active duty military personnel; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on February 6, 2018; and

WHEREAS, the Board of Governors filed a supplemental amendment to the petition on February 21, 2018; and

WHEREAS, it appears that an amendment to Supreme Court Rule 49 is warranted; accordingly,

IT IS HEREBY ORDERED that Supreme Court Rule 49 shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to the Supreme Court Rules 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 amendment.

Dated this 21st day of March, 2018.

Douglas, C.J.
Douglas

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Vernon Leverty, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Brian Kunzi, Admissions Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A
ADOPTION OF SUPREME COURT RULE 49.13

Rule 49.13. 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.

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

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

(a) A certificate of good standing indicating that the attorney has been admitted to practice law in another jurisdiction and is a member in good standing in such jurisdiction.

(b) Evidence of the active practice of law for a cumulative total of five years, or a statement signed by the active member of the State Bar of Nevada who shall be directly supervising the applicant or by the department head of the agency employing the applicant.

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

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

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

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

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

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

(b) Remit to the State Bar of Nevada a fee equivalent to the annual membership dues paid by active members of the State Bar of Nevada of comparable longevity.

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

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

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

(b) The military spouse attorney is no longer married to the servicemember;

(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.

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