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IN THE SUPREME COURT OF THE STATE OF NEVADA

In the Matter of Amendments to)
Supreme Court Rules 49.1 through)
49.13 and SCR 72.1 through 72.5)
regarding limited admission to the)
practice of law; SCR 51 and 53)
regarding qualifications for admission)
and fingerprinting; and SCR 77)
through 79)

ADKT NO.: 0538

FILED

DEC 27 2018

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

PETITION

The Board of Governors of the State Bar of Nevada (“State Bar”) hereby petitions this Court to amend Supreme Court Rules (“SCR”) 49.1 through 49.13 and SCR 72.1 through 72.5 regarding limited admission to the practice of law. The amendment would standardize, where applicable, the requirements and application fees for limited admission consistent with the purpose and goal of requiring attorneys to take the Nevada Bar Exam if they wish to practice law in the State of Nevada. Supreme Court Rule 79 is likewise amended to include those admitted under a limited practice certification. The proposed amendments also remove exemptions for attorneys employed by the State Bar (SCR 49.6); the Nevada Attorney General (SCR 49.8); and a single governmental entity (SCR 49.10); as well as exemptions granted under SCR 72.3 for general law faculty members and SCR 72.5 for faculty members of the National Judicial College.

Recognizing the impact of these amendments on other Court Rules, amendments are proposed to SCR 51 and 53, as well as SCR 77 through 79. These technical and stylistic changes are noted in the petition.

The proposed rules, as amended, are set forth in **Exhibit A**.

RECEIVED
DEC 24 2018
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

18-910594

1 **DISCUSSION**

2 Supreme Court Rules allow for the limited admission to the practice of law
3 for ten categories of practice ranging from those serving as clinical law faculty
4 members to certain deputy district attorneys and state public defenders in Nevada's
5 rural counties. Those admitted under SCR 49.1 through 49.13 are exempt from
6 sitting for the bar examination and from certain admissions requirements. Similar
7 provisions exist under SCR 72.1 through 72.5 for attorneys employed by pro bono
8 legal service providers, and general law faculty members of the William S. Boyd
9 School of Law and the National Judicial College.

10 *History of limited practice certification under SCR 49.1 through 49.13*

11 The genesis of the use of limited practice admissions/certifications was set
12 forth in a 1991 petition¹ to this Court and included reasoning and rationale for what
13 was then termed a limited admission for deputy district attorney positions in rural
14 counties. The petition stated that the rule would help to promote the efficient
15 administration of justice by providing "an effective method of staffing the District
16 Attorney's Office in rural counties where Nevada attorneys cannot be found to fill
17 employment vacancies."

18 Between August 2000 and February 2001, petitions were submitted, and rule
19 changes enacted, for limited admissions for Deputy Attorneys General (SCR 49.8)
20 and rural State Public Defenders (SCR 49.9). The rationale for these petitions were
21 akin to the 1991 petition for deputy district attorney positions in rural counties.

22 The Court conducted a comprehensive review of the issues arising from the
23 multijurisdictional practice of law in July 2001, including limited admission
24 practice. The appointed Commission on Multijurisdictional Practice expanded the

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¹ ADKT 148, March 4, 1991

1 practice certification rules to include in-house counsel and government counsel. As
2 its rationale, the Commission reported the “typical corporate client was in a position
3 to protect itself from its own employed attorneys.”² Comment 16 to ABA Rule 5.5
4 also states that “the lawyer’s ability to represent the employer outside the
5 jurisdiction in which the lawyer is licensed generally serves the interests of the
6 employer and does not create an unreasonable risk to the client and others because
7 the employer is well situated to assess the lawyer’s qualifications and the quality of
8 the lawyer’s work.”

9 Supreme Court Rule 49.5 was subsequently added and amended in 2006 and
10 2010 for clinical law faculty and law school students at the William S. Boyd School
11 of Law; these amendments were distinct from the general law faculty admitted
12 under SCR 72.3.

13 In 2007, the label “limited practice admission” was changed to “limited
14 practice certification.” The administrative process for limited practice certification
15 was streamlined from the Court to the State Bar.

16 The most recent amendments were made in 2014 to include county public
17 defender offices as eligible employers under SCR 49.9³ and in 2018 to provide
18 temporary certification for attorney spouses of active duty military personnel
19 stationed within the State of Nevada⁴.

20 The limited practice admissions allowed for under Court Rules include:

- 21 - Clinical law faculty members (SCR 49.1);
- 22 - Emeritus pro bono attorneys (SCR 49.2);
- 23 - Certain deputy district attorneys in rural counties (SCR 49.4);

24 ² *Report on the Supreme Court of Nevada Commission on Multijurisdictional Practice*, p. 11-12.

25 ³ ADKT 0497, July 31, 2014

⁴ ADKT 0531, March 21, 2018

- 1 - Law students (SCR 49.5);
- 2 - Attorneys employed by the State Bar (SCR 49.6);
- 3 - Certain deputy attorneys general (SCR 49.8);
- 4 - Certain state public defenders in rural counties (SCR 49.9);
- 5 - Attorneys employed in government or as in-house counsel (SCR
- 6 49.10);
- 7 - Certain attorneys employed by the Federal Public Defender for the
- 8 State of Nevada (SCR 49.11); and
- 9 - Military Spouses (SCR 49.13).

10 Attorneys with limited practice certifications must be in good standing with
11 the state in which they are admitted and are subject to discipline and continuing
12 legal education requirements.

13 *History of limited admission under SCR 72.1 through 72.5*

14 Court rules were established for the limited admission of attorneys employed
15 by or associated with an organized legal services program (SCR 72.1); as general
16 law faculty members of the William S. Boyd School of Law (SCR 72.3); and as
17 faculty members of the National Judicial College (SCR 72.5).

18 The admission requirements for legal services attorneys generally mirror the
19 provisions set forth in the other limited practice certifications and provide
20 admittance to practice before all courts of this state; 25 attorneys are currently
21 admitted under this rule and practice on behalf of three of the state's largest pro
22 bono legal service providers. The limited admission requirements for legal service
23 providers were initially established under SCR 49A and renumbered as SCR 49.3
24 in 1979⁵. On December 28, 2007, the Court entered an Order pertaining to Nevada

25 ⁵ ADKT 19.

1 Arbitration Rule 7 (ADKT 420). At that time, the limited admission rule for legal
2 service providers was renumbered to SCR 72.1. Based on available Court filings,
3 the State Bar is unable to determine the reason why this rule was renumbered, as no
4 substantive changes were made. The State Bar recommends the rules for limited
5 admission for legal service providers be folded back under the limited admission
6 umbrella.

7 Rules were also established for the admission of law faculty members of the
8 National Judicial College and general law faculty members of the William S. Boyd
9 School of Law. The 1998 petition to this Court establishing limited admission for
10 Boyd School of Law faculty stated that waiver of the bar examination requirement
11 was “crucial to the early development of the clinical programs and other community
12 service proponents for the students – a primary focus of the school’s curriculum.”⁶
13 The need for these special admissions is no longer evident as there are no attorneys
14 practicing under a SCR 72.3 or 72.5 certification. It is unclear why these out-of-
15 state attorneys would require limited admission as neither provision provides for
16 admission to practice within Nevada courts.

17 The State Bar recommends the limited admission rules for faculty members
18 of the William S. Boyd School of Law and the National Judicial College be removed
19 and that the limited certification for out-of-state attorneys employed by a legal
20 services program defined under SCR 72.1 be folded into the limited practice
21 certifications under SCR 49.

22 *Current Concerns*

23 Hiring challenges in rural Nevada and for in-house counsel continue to exist.
24 As of September 2018, there are 211 attorneys currently practicing under a limited

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⁶ ADKT 286, October 12, 1998, p. 2

1 license in Nevada, with the majority (151) serving as in-house counsel under SCR
2 49.10. Another 33 attorneys are admitted as pro bono emeritus or legal services
3 providers; 17 serve as Federal public defenders; and seven are admitted as clinical
4 law faculty members. The reasoning for maintaining limited certifications in these
5 areas is the same today as it was submitted in the 1991 petition: “to promote the
6 efficient administration of justice.”

7 Conversely, historical hiring practices by the State Bar suggests far fewer
8 difficulties are encountered with finding qualified applicants who are fully licensed
9 to practice law in the State of Nevada. The State Bar has not employed out-of-state
10 attorneys as Bar Counsel or Assistant Bar Counsel and there are no government
11 attorneys, currently or previously, practicing under SCR 49.10.

12 A list of current certifications under SCR 49.1 through 49.13 and SCR 72.1
13 through 72.5 and the number of attorneys practicing under each certification is
14 attached as **Exhibit B**.

15 Court rules established for limited practice certification have attached
16 varying, and often inconsistent, requirements including, but not limited to:
17 educational standards, passage of the Multi-State Professional Responsibility
18 Examination, character and fitness reviews, duration/time limitations and annual
19 disclosure requirements to the State Bar.

20 *Limited Practice Certification Review*

21 In May 2017, the Court determined that a committee should be appointed to
22 review the rules, conditions and fees provided in SCR 49.1 through 49.12 and SCR
23 72.1 through 72.5 and make recommendations deemed appropriate to change or
24 clarify those rules.⁷ The State Bar’s Board of Governors’ Reciprocity Taskforce

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⁷ ADKT 0524

1 conducted this review. An initial recommendation to include limited practice
2 certification for military spouses was enacted on March 21, 2018. At that point, the
3 Taskforce reconvened to examine the certifications and requirements of each
4 limited practice certification, including the rationale behind each of them, and
5 determine if the application process and requirements could be streamlined.

6 As noted in the Supplemental Report of the Supreme Court of Nevada
7 Commission on Multijurisdictional Practice, May 2002, in general, admission to
8 practice in Nevada should continue to be predicated on the taking and passing of
9 the Nevada bar examination and compliance with the Nevada Supreme Court's
10 moral character and fitness requirements. Currently, character and fitness reviews
11 are conducted of in-house counsel, military spouses, and pro bono legal service
12 providers seeking certification. Fingerprinting, required of every applicant to sit for
13 the bar examination, is not required of any certification, except for military spouses.
14 The Policies and Procedures of the Board of Bar Examiners and the Moral Character
15 and Fitness Committee set forth in Addendum 1 to Rule 75 note that the purpose of
16 character and fitness screening before admission to the bar is the "protection of the
17 public, the efficient administration of the system of justice, and the protection of the
18 reputation of the legal profession... The public interest to be served is that those
19 who are admitted to the bar are worthy of the trust and confidence that clients may
20 reasonably place in their lawyers."

21 The Taskforce believed that given that part of the mission of the State Bar is
22 to protect the public, the character and fitness and fingerprinting requirements in
23 SCR 51 and SCR 53 should be applicable to all certifications, except for those
24 seeking pro bono and emeritus pro bono certifications. The Taskforce will re-
25 examine these requirements for pro bono attorneys later, including options to make

1 them practicable. These rules have been amended accordingly and revised for
2 clarity. The Taskforce also recommended removing the in-house counsel
3 certification requirement to obtain affidavits signed by two members of the bar
4 where the applicant has been admitted, as this requirement does not add benefit to
5 the goal of ensuring all attorneys practicing in Nevada are of good character and
6 moral fitness.

7 The Taskforce also reviewed the MPRE Exam requirement. Passing this
8 exam within the prior three years with a score of 85 has been found to be an
9 appropriate measure of a Nevada bar applicant's understanding of the professional
10 responsibility requirements in this state. As such, the Taskforce believed that it is
11 an appropriate measure of any limited practice certification applicant's
12 understanding of the professional responsibility requirements in this state. Because
13 pro bono and emeritus pro bono legal service programs provide extensive training
14 in this area to their attorneys, the Taskforce will consider amending Supreme Court
15 Rule 49 and Addendum 2, Policies and Procedures of the Functional Equivalency
16 Committee, at a future date. The Functional Equivalency Committee will assess
17 whether the ethics and professional responsibility training provided by the pro bono
18 legal service providers to its attorneys satisfies this requirement. This proposal was
19 discussed with the Chair of the Board of Bar Examiners who advised that the
20 Committee could perform this task if the rule were changed. Until this Rule
21 amendment can be considered in full, the Board of Governors proposes to exempt
22 emeritus pro bono attorneys and those employed by or associated with an organized
23 legal services program from taking the MPRE.

1 Finally, relating to certification fees, the Taskforce found that Nevada
2 charges one of the lowest fees on the west coast to certify in-house counsel (\$250).⁸
3 Application fees for other limited practice certifications range from \$150 to \$1,000.
4 Those seeking limited practice certification are afforded the privilege of practicing
5 in this state without sitting for the bar examination. Therefore, the Taskforce
6 recommended charging an application fee equivalent to the application fee for an
7 attorney who has been previously admitted to practice law in another jurisdiction,
8 as enumerated in SCR 54(2). For those attorneys practicing under a two-year time
9 limitation which would require sitting and passing the bar examination to continue
10 practice (i.e. rural district attorneys and rural public defenders), the application fee
11 will be applied to the first bar examination for which the attorney sits. To encourage
12 support of pro bono legal service programs, the State Bar would not charge an
13 application or renewal fee for emeritus pro bono attorneys as defined under SCR
14 49.2 or an application fee for legal services members as defined under SCR 72.1.
15 Temporary certification pending application review for legal services attorneys
16 under 72.1 would continue under the amended rule, as well as for all limited
17 admission certifications, except military spouses, the latter certification rule having
18 just been created by the Court.

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⁸ In-house counsel certification fees: California: \$1,400; Oregon: \$1,050; Colorado: \$1,000;
Utah: \$850; Idaho: \$700; Washington: \$620; Arizona: \$345.

1 Additionally, the amendment would require all applicants to:

2 (a) Submit an application seeking limited admission, rather than a verified
3 certificate. This application would currently be the same as that required of all
4 applicants who wish to sit for the State Bar of Nevada. As this application has not
5 been reviewed by the Board of Bar Examiners in many years, the Taskforce
6 recommended that the Board of Bar Examiners review the same to determine if the
7 goals sought to be met by the current application can be met with a more streamlined
8 application. This has been discussed with the Chair of the Board of Bar Examiners
9 who has advised that the Board is willing to look at the application.

10 (b) Have graduated from an approved law school or have received an
11 equivalent law degree. An amendment to SCR 51 is also proposed to reflect the
12 obtaining of a Juris Doctorate degree, rather than a Bachelor of Laws degree.

13 (c) Provide a certificate of good standing from the jurisdiction(s) in which
14 the applicant has been admitted to practice and establish that the applicant is not
15 subject to discipline.

16 (d) Be a resident of Nevada, except for those serving as rural deputy district
17 attorneys and rural public defenders, as these attorneys may travel from border
18 states to provide services. The limited practice certification is a privilege to
19 applicants that is not afforded to those who take the bar examination; these
20 applicants should reside in the state that grants the privilege.

21 (e) Have taken the Multi-State Professional Responsibility Exam and
22 obtained a score of at least 85.00 on the exam not earlier than three years preceding
23 the filing of an application or if a pro bono legal services attorney, obtained a
24 recommendation from the Functional Equivalency Committee that the ethics
25

1 training provided to the applicant is the functional equivalent of passing the MPRE
2 with a score of 85.

3 (f) Be subject to the same continuing legal education requirements as State
4 Bar licensees and be subject to discipline.

5 Those applying for certification as emeritus pro bono attorneys would be
6 exempt from character and fitness and fingerprinting requirements; the Multi-State
7 Professional Responsibility Exam must be completed within three years. These
8 requirements can be impractical for pro bono attorneys who volunteer to serve
9 clients in a limited or specialized capacity.

10 Those admitted under a limited practice certificate would be required to file
11 the same mandatory disclosure statements as required of State Bar licensees and
12 would be subject to suspension for failure to submit annual renewal fees. Supreme
13 Court Rules 77 through 79 have been amended to reflect this requirement. These
14 rules have also been amended stylistically and to account for current practice.

15 Based on the Taskforce's review and subsequent approval by the Board of
16 Governors, this amendment would repeal the exemption under SCR 49.6 for
17 attorneys employed by the State Bar, for attorneys employed by the Nevada
18 Attorney General under SCR 49.8, and for attorneys employed by a single
19 governmental entity under SCR 49.10 as there has been no demonstrated need for
20 these limited practice certifications.

21 Stylistic changes have been made to SCR 49.5, pertaining to limited practice
22 for law students, to remove duplicative language. This rule has also been
23 renumbered as SCR 49.3.

24 A chart showing the current requirements for each limited license
25 certification and proposed amendment is attached as **Exhibit C**.

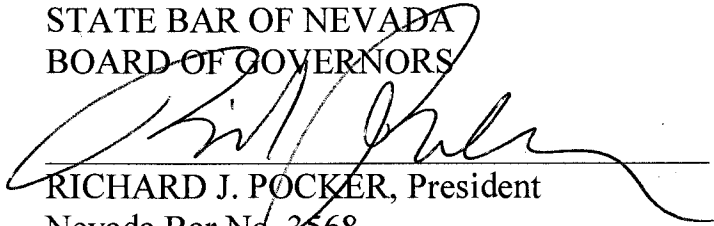
1 **CONCLUSION**

2 The amendments proposed under SCR 49.1 through 49.4 recognize the
3 purpose of requiring passage of the Nevada Bar Exam and the character and fitness
4 requirements through streamlining the rules for limited practice certifications, and
5 where applicable, standardizing application requirements, application fees, and the
6 annual certification renewal disclosures and fees. Through this petition, the State
7 Bar also seeks to eliminate limited practice certifications for practice areas in which
8 there is no demonstrated need, including Bar Counsel for the State Bar, the Nevada
9 Attorney General's Office, attorneys serving governmental entities, and general law
10 faculty for the William S. Boyd School of Law and the National Judicial College.

11 If approved by the Court, the State Bar respectfully requests the amended
12 Rules be effective 30 days after receipt of a Court Order.

13
14 RESPECTFULLY SUBMITTED this 21st day of December 2018.

15 STATE BAR OF NEVADA
16 BOARD OF GOVERNORS

17 

18 RICHARD J. POCKER, President
19 Nevada Bar No. 3568
20 State Bar of Nevada
21 3100 W. Charleston Boulevard
22 Las Vegas, NV 89102
23 (702) 382-2200
24
25

1 EXHIBIT A

2 Rule 49.1. Limited practice certifications for certain attorneys; temporary
3 certification for military spouses.

4 1. Eligibility. Notwithstanding the provisions of Rule 49, an attorney admitted
5 to practice law in any other jurisdiction may apply for limited practice certification
6 if the attorney is:

7 (a) Employed by the William S. Boyd School of Law and teaches in the clinical
8 law program;

9 (b) Employed as a deputy district attorney by a county whose population is less
10 than 100,000 persons;

11 (c) Employed by the State Public Defender or the county equivalent of such an
12 office to practice in a county whose population is fewer than 100,000 persons;

13 (d) Employed by the Federal Public Defender for the District of Nevada;

14 (e) Volunteering with an Emeritus Attorney Pro Bono Program or who is an
15 inactive member of the State Bar of Nevada and volunteering with an Emeritus Pro
16 Bono Program, as defined in Rule 49.2;

17 (f) Employed by or associated with an organized legal services program funded
18 from state, federal or recognized charitable sources and providing legal assistance
19 to indigents in civil matters;

20 (g) Employed exclusively as in-house counsel for a single corporation (including
21 its subsidiaries and affiliates), association, partnership or other business entity
22 situated in or qualified to do business in Nevada, whose lawful business consists of
23 activities other than the practice of law or the provision of legal services; or

1 (h) Admitted to practice law in any other jurisdiction and demonstrates a presence
2 in Nevada as a spouse of a member of the United States Uniformed Services
3 pursuant to military orders.

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

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

7 (b) Not have been denied admission to the practice of law in Nevada;

8 (c) Demonstrate the qualifications for admission set forth in Rule 51(1)(a)-(j) and
9 fingerprinting requirements pursuant to Rule 53, unless applying for certification
10 under Rule 49.1(e);

11 (d) Establish that the applicant is not currently subject to attorney discipline or
12 the subject of a pending disciplinary matter in any jurisdiction;

13 (e) Have taken the Multi-state Professional Responsibility Exam and obtained a
14 scaled score of at least 85.00 on the exam not earlier than three years preceding the
15 filing of an application under this Rule, excepting those applying for certification
16 under Rule 49.1(e) and (f); and

17 (f) Reside, or intend within the next six months to reside, within the State of
18 Nevada, excepting those certified under Rule 49.1(1)(b) and (c).

19 3. Application. Application for certification to practice law in this state under the
20 provisions of this rule shall be filed with the admissions director of the state bar and
21 accompanied by:

22 (a) An affidavit from the attorney's immediate supervisor, if applying for
23 certification under Rule 49.1(1)(a)-(g), attesting that:

24 (1) The attorney is a full-time employee or volunteering with an Emeritus
25 Attorney Pro Bono Program;

1 (2) The nature of the employment conforms to the requirements of this rule; and

2 (3) The affiant will notify the State Bar of Nevada within fifteen (15) days after
3 the applicant ceases to be so employed.

4 (b) A certificate of good standing for each jurisdiction in which the attorney is
5 admitted indicating that the attorney has been admitted to practice law in another
6 jurisdiction and is a member in good standing in such jurisdiction.

7 (c) A non-refundable application fee, equivalent to the fee charged pursuant to
8 Rule 54(2). For those admitted under Rule 49.1(1)(b) and (c), the application fee
9 will be applied to the first bar examination for which the attorney sits. There shall
10 be no application fee for attorneys admitted under Rule 49.1(1)(e) and (f).

11 4. *Limited Practice.* Attorneys certified under Rule 49.1(1)(a)-(f) and (h) may
12 practice before all courts of this state subject to the conditions of this rule and to
13 such further conditions as the court may hereafter direct.

14 (a) An attorney certified under Rule 49.1(1)(a) shall perform no legal services
15 within the State of Nevada except under the auspices of the clinical law program
16 of the William S. Boyd School of Law and for such purposes only.

17 (b) An attorney certified under Rule 49.1(1)(b) and (c) shall perform no legal
18 services within the State of Nevada except for the county employing the attorney
19 and under the supervision of an attorney in the employer's office who is an active,
20 resident member of the State Bar of Nevada.

21 (c) An attorney certified under Rule 49.1(1)(e) or (f) shall perform no legal
22 services within the State of Nevada except for clients aided under the auspices of
23 the organized legal services program by which the attorney is employed or with
24 which he or she is associated and for such purposes only.

25 (d) An attorney certified under Rule 49.1(1)(g) may not:

1 (1) Appear as counsel of record for the employer in Nevada in any court; before
2 any administrative or political agency unless authorized by law; or in any
3 arbitration, mediation, or alternative dispute resolution proceeding which is court
4 ordered or annexed or authorized by law or administrative rule;

5 (2) Render legal advice or services to the public or to anyone other than the
6 attorney's employer, other employees, or the employer's subsidiaries and
7 affiliates. Except if otherwise certified through an Emeritus Attorney Pro Bono
8 Program pursuant to Rule 49.1(1)(e); or

9 (3) Hold himself or herself out to the public as an attorney so authorized or
10 engaged.

11 (e) Excepting those certified to practice under Rule 49.1(1)(e) and (h), attorneys
12 certified to practice under this rule shall not accept any compensation for such
13 services except such salary as may be paid by the employer. All pleadings signed
14 by an attorney admitted to practice under this rule, except those certified to
15 practice under Rule 49.1(1)(h), shall bear the name and address of the employer
16 or, if employed by the William S. Boyd School of Law, the clinical law program.

17 5. Discipline; bar membership; continuing legal education. An attorney certified
18 to practice under this rule does not qualify for active membership in the State Bar
19 of Nevada but shall be subject to the jurisdiction of the courts and disciplinary
20 boards of this state with respect to the laws of this state governing the conduct of
21 attorneys to the same extent as other members of the State Bar of Nevada.

22 Pending final disposition of any such matter, the court or the state bar may
23 suspend any right to practice that is granted under this rule, without notice or
24 hearing. During the time any attorney is certified under this rule, the attorney shall
25

1 comply with the same requirements for continuing legal education as may be
2 prescribed for active members of the State Bar of Nevada.

3 6. Temporary Certification. The state bar, pending its review of an application for
4 admission, may temporarily certify an attorney to practice under this rule, except
5 for those applying for certification under Rule 49.1(h). Such temporary
6 certification shall in no event remain in effect longer than one year.

7 7. Termination. Certification to practice under this rule shall terminate whenever
8 the attorney ceases to be employed by the employer for which this certification
9 was granted, or associated with an Emeritus Attorney Pro Bono Program (EAPB).
10 The employer or EAPB shall notify the state bar in writing within fifteen (15)
11 days of when the attorney's employment ceases, or association with an EAPB
12 Program ends; and

13 (a) In no event shall certification for those admitted under 49.1(1)(b) and (c)
14 remain in effect longer than two years.

15 (b) For those attorneys certified as a spouse of a member of the United
16 States Uniformed Services pursuant to military orders, certification shall remain in
17 effect no longer than four years. Additionally, certification to practice under this
18 rule shall terminate by any of the following events:

19 (1) The servicemember separates or retires from the United States
20 Uniformed Services;

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

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

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

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

7 8. Certification fees. Certification fees cover the calendar year and shall be due
8 and payable by those attorneys certified under Rule 49.1(1)(a)-(d) and (f)-(h) at
9 the time of certification. No part of the certification fee shall be apportioned to
10 fractional parts of the year and no part of the certification fee shall be rebated. The
11 annual certification fee is equivalent to the annual membership dues paid by active
12 members of the State Bar of Nevada of comparable longevity.

13 9. Renewal of certification. An attorney certified by the State Bar of Nevada to
14 practice under this rule who otherwise remains eligible to practice must annually
15 renew the certification in accordance with Rule 49.4.

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18 **Rule 49.2. [~~Limited practice for emeritus pro bono attorneys.~~] Emeritus**
19 **attorney pro bono program; provider requirements.**

20 1. [~~Emeritus Attorney Pro Bono Program. The Emeritus Attorney Pro Bono~~
21 ~~Program (EAPB) is hereby created to assist low income clients through approved~~
22 ~~legal services providers as defined below.]~~

23 [~~2.~~] Approved EAPB providers. An approved Emeritus Attorney Pro Bono
24 Program (EAPB) legal services [EAPB] provider for the purposes of this rule is a
25 not-for-profit legal assistance provider [~~which is~~] approved by the Access to

1 Justice Commission or its designee to assist low-income clients, without charge, in
2 civil legal matters or which provides legal training, assistance or advocacy support
3 to qualified legal services projects.

4 ~~[(a) *Minimum requirements for approval as an EAPB provider:*~~

5 ~~— (1) Provides legal services in civil matters, without charge only, to indigent~~
6 ~~persons; or~~

7 ~~— (2) Provides legal training, legal technical assistance, or advocacy support,~~
8 ~~without charge only, to qualified legal services projects; and~~

9 ~~— (3) Files a completed application with the State Bar of Nevada [Access to~~
10 ~~Justice Coordinator, on a form to be provided by the State Bar, which includes:~~

11 ~~— (i) The contact information required by SCR 79; and~~

12 ~~— (ii) Whether the EAPB provider maintains professional liability insurance~~
13 ~~and, if so, the name and address of the carrier.~~

14 ~~(4) The commission or its designee may establish additional rules and~~
15 ~~procedures for approving EAPB providers under this rule as it deems necessary~~
16 ~~and proper.]~~

17 2. [(b)] *Court awarded fees.* An approved EAPB provider is entitled to receive all
18 court awarded attorney fees arising from representation provided by emeritus
19 attorneys under its services.

20 ~~[3. *Requirements to apply for certification as an emeritus attorney.* Any inactive~~
21 ~~member of the State Bar of Nevada in good standing, or any active or inactive~~
22 ~~attorney in good standing in any other jurisdiction, who meets the requirements of~~
23 ~~this rule may apply for certification as an emeritus attorney.]~~

24 ~~— (a) *Exceptions.* Attorneys with a record of public discipline for professional~~
25 ~~misconduct imposed within the immediately preceding ten years or who resigned~~

1 ~~from the practice of law with charges pending are not eligible for certification~~
2 ~~under this rule.~~

3 ~~4. *Application.* Application for certification to practice law in this state under the~~
4 ~~provisions of this rule shall be filed with the admissions director of the state bar on~~
5 ~~forms provided by the state bar and shall be accompanied by:~~

6 ~~— (a) A completed EAPB application and EAPB provider declaration;~~

7 ~~(1) The attorney is a bona fide full time employee;~~

8 ~~(2) The nature of the employment conforms to the requirements of this rule; and~~

9 ~~(3) The affiant will notify the State Bar of Nevada within thirty (30) days after~~
10 ~~the applicant ceases to be so employed.~~

11 ~~(b) A certificate of good standing indicating that the attorney has been~~
12 ~~admitted to practice law in another jurisdiction and is a member in good standing~~
13 ~~in such jurisdiction;~~

14 ~~— (c) A statement of discipline history from the jurisdiction(s) in which the~~
15 ~~attorney has been admitted to practice;~~

16 ~~— (d) Any other information deemed necessary and proper to the administration~~
17 ~~of this rule.~~

18 ~~5. *Termination.* Certification to practice under this rule shall terminate whenever~~
19 ~~the attorney ceases to provide services for an approved EAPB provider. When an~~
20 ~~attorney certified under this rule ceases to provide services for an approved EAPB~~
21 ~~provider, a statement to that effect shall be filed immediately with the admissions~~
22 ~~director of the state bar by the EAPB provider.~~

23 ~~6. *Renewal of certification.* On or before the anniversary date of the original filing~~
24 ~~for certification under this rule, an attorney shall reapply annually with the~~
25 ~~admissions director of the state bar.~~

1 ~~7. Limited practice. An emeritus attorney certified under this rule may practice~~
2 ~~law only through an approved EAPB provider under subsection 2 and must~~
3 ~~complete any training required by the EAPB provider.~~

4 ~~8. Discipline; bar membership. Attorneys certified under this rule do not qualify~~
5 ~~for active membership in the State Bar of Nevada, but may be disciplined or~~
6 ~~suspended from practice in the manner now or hereinafter provided by rule for~~
7 ~~discipline or suspension of attorneys generally. Pending final disposition of any~~
8 ~~such matter, the court or the state bar may suspend any right to practice that is~~
9 ~~granted hereunder, without notice or hearing.]~~

10
11 **[Rule 49.5] Rule 49.3. Limited practice for law students.**

12 1. Eligibility. Application for limited practice for law students may be made by:
13 ~~[To engage in the activities permitted by this rule, a law student must meet one of~~
14 ~~the following eligibility requirements:]~~

15 (a) Students working on pro bono cases or for governmental or not-for-profit
16 entities [must] if enrolled in or graduated from a law school approved by the
17 American Bar Association and supervised by a member of the State Bar of Nevada
18 who meets the requirements of subsection 4(b)(1); or[:]

19 (b) Students participating in a clinical or externship program while enrolled in,
20 or completing assignments pursuant to enrollment, a law school approved by the
21 American Bar Association.

22 ~~[(1) Be enrolled in or have graduated from a law school approved by the~~
23 ~~American Bar Association and be supervised by a member of the State Bar of~~
24 ~~Nevada who meets the requirements of subsection 3(b)(1).]~~

25 2. Requirements. A student applying for limited certification under this rule shall:

1 ~~[(2)]~~ (a) Be certified by the dean of the student's law school, on a form to be
2 furnished or approved by the state bar, as being in good academic standing and
3 having successfully completed the minimum credit hours set out in subsection
4 ~~[1(b)(3)]~~ 2(b).

5 ~~[(3)]~~ (b) Have successfully completed legal studies amounting to:

6 (i) At least thirty (30) semester credit hours, or the equivalent, to participate
7 in the activities described in subsection ~~[4]~~ 5 ("level 1 certification").

8 (ii) At least forty-five (45) semester credit hours, or the equivalent, to
9 participate in the activities described in subsection ~~[5]~~ 6 ("level 2 certification").

10 ~~[(4)]~~ (c) Apply for certification pursuant to this rule on a form to be furnished
11 by and filed with the state bar. The application shall include the student's written
12 certification that ~~[he or she]~~ the student has read and is familiar with the Model
13 Rules of Professional Conduct of the American Bar Association and the Rules of
14 Professional Conduct of this court and will abide by the same in the activities
15 permitted by this rule. The filing of an application pursuant to this rule is deemed a
16 consent by the student to be subject to all disciplinary processes of the state bar.
17 Any offense which would subject a lawyer admitted to practice law in this state to
18 suspension or disbarment may be punished by suspension or forfeiture of the
19 student's privilege of taking the bar examination and being licensed to practice law
20 in this state. ~~;~~ or

21 ~~— (b) Participants in clinical or externship programs must:~~

22 ~~(1) Be enrolled, or completing assignments pursuant to enrollment, in a~~
23 ~~clinical or externship program of an ABA approved school of law.~~

24 ~~— (2) Be certified by the dean of the student's law school, on a form to be~~
25 ~~furnished or approved by the state bar, as being in good academic standing and~~

1 ~~qualified in ability, training, and character to participate in the activities permitted~~
2 ~~by this rule.~~

3 ~~— (3) Have successfully completed legal studies amounting to:~~

4 ~~— (i) At least thirty (30) semester credit hours, or the equivalent, to participate in~~
5 ~~the activities described in subsection 4 (“level 1 certification”).~~

6 ~~— (ii) At least forty five (45) semester credit hours, or the equivalent, to~~
7 ~~participate in the activities described in subsection 5 (“level 2 certification”).~~

8 ~~— (4) Apply for certification pursuant to this rule on a form to be furnished by~~
9 ~~and filed with the state bar. The application shall include the student’s written~~

10 ~~certification that he or she has read and is familiar with the Model Rules of~~

11 ~~Professional Conduct of the American Bar Association and the Rules of~~

12 ~~Professional Conduct of this court and will abide by the same in the activities~~

13 ~~permitted by this rule. The filing of an application pursuant to this rule is deemed a~~

14 ~~consent by the student to be subject to all disciplinary processes of the state bar.~~

15 ~~Any offense which would subject a lawyer admitted to practice law in this state to~~

16 ~~suspension or disbarment may be punished by suspension or forfeiture of the~~

17 ~~student’s privilege of taking the bar examination and being licensed to practice law~~

18 ~~in this state.]~~

19 [2.] 3. *Certification.*

20 (a) The certification of a student by the law school dean shall be filed with the
21 state bar on a form furnished or approved by the state bar. Unless sooner

22 withdrawn or terminated, such certification shall remain in effect as long as the
23 student remains eligible to participate in the activities permitted under this rule.

24 (b) The certification may be withdrawn by the dean or an assistant or associate
25 dean at any time without notice or hearing and without any showing of cause. The

1 certification shall be withdrawn if the student ceases to be duly enrolled as a law
2 student prior to his or her graduation. Notice of a withdrawal of certification shall
3 be filed with the state bar and mailed to the student and the supervising lawyer.

4 (c) The certification may be terminated by the state bar at any time without
5 notice or hearing and without any showing of cause by mailing a notice of such
6 termination to the student, the supervising lawyer, and the student's law school
7 dean.

8 (d) The certification terminates automatically:

9 (1) If the student does not apply for or take the first Nevada bar examination
10 to be administered after the student has satisfied the educational requirements
11 therefor.

12 (2) If the student does not pass that examination.

13 (3) Fifty (50) days after announcement of the results of that examination, if
14 the student passes the examination.

15 ~~[3.]~~ 4. *Supervision.* A "supervising lawyer" shall mean either a lawyer or law
16 professor employed by the Boyd School of Law in a clinical program and certified
17 to practice in Nevada, or a member of the state bar in active practice.

18 (a) A supervising lawyer shall:

19 (1) Personally assume professional responsibility for all work undertaken by
20 the student while under the lawyer's supervision.

21 (2) Assist and counsel the student in the activities permitted by this rule and
22 review such activities with the student, to the extent necessary for the proper
23 training of the student and protection of the client.

24 (3) Read, approve, and personally sign any pleadings, briefs, or other papers
25 prepared by the student before filing; read and approve any documents prepared by

1 the student for execution by any person before submission to that person; and read
2 and approve any correspondence prepared by the student before mailing.

3 (4) Be present for any appearance by a student before a court or administrative
4 tribunal.

5 (b) In addition to the above, a supervising lawyer who is not employed by the
6 Boyd School of Law in a clinical program shall:

7 (1) Be an active resident member of the state bar, and, before supervising the
8 activities specified in subsection ~~[5]~~ 6, shall have actively practiced law in Nevada
9 as a full-time occupation for at least five (5) years.

10 (2) Supervise not more than one student, unless the student is participating in a
11 Boyd School of Law externship program.

12 (3) Be continuously personally present throughout the activities permitted
13 under subsection ~~[5]~~ 6, paragraphs (a), (b), and (c).

14 (4) Before commencing supervision of any student, file with the state bar a
15 notice in writing signed by the supervising lawyer stating the name of the student
16 and the period during which the lawyer expects to supervise the activities of the
17 student.

18 (5) Notify the state bar in writing promptly whenever supervision of the student
19 pursuant to this rule ceases.

20 ~~[4.]~~ 5. *Activities permitted under level 1 certification.* A student may engage in
21 the following activities with the written consent of the person on whose behalf the
22 student is performing the activities with the approval and under the supervision of
23 a supervising lawyer:

24 (a) Conduct investigations and interview witnesses.

25 (b) Interview and counsel clients.

1 (c) Represent clients before legislative and administrative bodies.

2 [~~5~~] 6. *Activities permitted under level 2 certification.* A student may engage in
3 the following activities with the written consent of the client on whose behalf the
4 student is performing the activities and with the approval and under the supervision
5 of a supervising lawyer:

6 (a) Appear in any court or before any administrative tribunal in this state on
7 behalf of any person.

8 (b) Counsel and give legal advice to clients.

9 (c) Negotiate and mediate the settlement of claims and disputes.

10 (d) Prepare documents to be filed in court or with a legislative or
11 administrative body.

12 (e) Prepare transactional documents such as contracts, incorporation papers
13 and by-laws, and filings required by a state, federal, or other governmental body.

14 In all instances where, under this rule, a student is permitted to appear in court
15 or before an administrative tribunal, the student shall file with the court or tribunal
16 a copy of the written consent of the client required by this subsection and shall
17 bring that consent to the attention of the judge of the court or presiding officer of
18 the tribunal.

19 [~~6~~] 7. *Use of student's name.* A student's name may properly be:

20 (a) Signed and printed or typed on briefs, pleadings, and other similar
21 documents on which the student has worked under the direction of the supervising
22 lawyer if the student is clearly identified as a student certified under this rule.

23 (b) Signed to letters written on the supervising lawyer's letterhead which relate
24 to the student's supervised work if the student is clearly identified as a student
25 certified under this rule.

1 ~~[7.]~~ 8. *Limitations.*

2 (a) A law student may neither ask for nor receive any compensation or
3 remuneration of any kind directly from the person on whose behalf he or she
4 renders service. Nor may a supervising lawyer charge a client an amount greater
5 than that customarily charged for the lawyer's services. This shall not prevent a
6 lawyer, law firm, organization having an established legal department, nonprofit
7 organization rendering legal aid to indigent persons, or public agency from paying
8 compensation not otherwise prohibited under these rules.

9 (b) Nothing in this rule shall affect the right of any person who is not admitted
10 to practice law to do anything that the person might lawfully do before the
11 adoption of this rule.

12 ~~[8.]~~ 9. *Place of filing.* All documents required to be filed with the state bar by
13 this rule shall be filed with the admissions director of the state bar.

14
15 **Rule 49.4. Renewal of ~~[certification for] limited practice certification~~ for**
16 **certain attorneys.**

17 1. *Annual certification.* ~~[An attorney certified by the state bar limited practice in~~
18 ~~this state under Rules 49.1, 49.4, 49.6, 49.8, 49.9, or 49.11 must annually renew~~
19 ~~said certification. By]~~ An attorney certified under Rule 49.1 [the attorney must]
20 shall submit to the State Bar of Nevada an attestation that the attorney remains
21 employed by the employer's office, or continues to demonstrate a presence in
22 Nevada as a spouse of a member of the United States Uniformed Services pursuant
23 to military orders, and has complied with the continuing legal education
24 requirements prescribed for active members of the State Bar of Nevada.[:]

1 (a) ~~A statement signed by the attorney's employer that the attorney remains~~
2 ~~employed by the employer's office;~~

3 ~~(b) A certificate of good standing indicating that the attorney has been~~
4 ~~admitted to practice law in another jurisdiction, and is a member in good standing~~
5 ~~in such jurisdiction; and~~

6 ~~(c) Certification that the attorney has complied with the continuing education~~
7 ~~requirements prescribed for active members of the State Bar of Nevada.~~

8 2. Disclosures. Attorneys certified to practice under this rule are subject to the
9 disclosure requirements set forth under Rules 78.5 and 79, Nevada Rule of
10 Professional Conduct 6.1 and Nevada Revised Statutes 7.034 and 425.520.

11 3. [2.] Annual certification fee. Annual certification fees cover the calendar year
12 and shall be due on January 1 of each year and shall be payable by those already
13 certified attorneys ~~[An attorney certified]~~ under Rule 49.1(1)(a)-(d) and (f)-(h) on
14 or before March 1 in each year. ~~[by the state bar to limited practice in this state~~
15 ~~under Rules 49.1, 49.4, 49.6, 49.8, 49.9, or 49.11 shall remit to the State Bar of~~
16 ~~Nevada by March 1 of each year, a]~~ The annual certification fee is equivalent to
17 the annual membership dues paid by active members of the State Bar of Nevada of
18 comparable longevity. On March 2 of each year a penalty shall attach to all
19 delinquent certification fees in the same amount as the penalty for active members.

20 4. [3.] Suspension for failure to renew or pay fees. An attorney certified by the
21 state bar under Rule 49.1 who ~~[to limited practice in this state under Rules 49.1,~~
22 ~~49.4, 49.6, 49.8, 49.9, or 49.11 who continues to perform legal services for an~~
23 ~~employer and]~~ fails to properly renew the certification or pay the renewal fees, if
24 applicable, shall be suspended from practicing law upon ~~[60]~~ 30 days' written
25 notice to the attorney and, if applicable, to the entity employing that attorney. The

1 procedure for the suspension and reinstatement of those certified under Rule 49.1
2 [~~limited practitioners~~] is the same as that followed for active members of the State
3 Bar of Nevada.

4 [~~4. *Termination.* Notwithstanding any provision of this rule, certification to~~
5 ~~practice under Rules 49.1, 49.4, 49.6, 49.8, 49.9, or 49.11 terminates in accordance~~
6 ~~with those rules.]~~

7
8 **Rule 49.5. Transferred.**

9 **Rule 49.6. [~~Limited practice for certain attorneys employed by the State Bar~~**
10 **~~of Nevada.] Repealed.~~**

11 **Rule 49.8. [~~Limited practice for certain deputy attorneys general.] Repealed.~~**

12 **Rule 49.9. Transferred.**

13 **Rule 49.10. Transferred.**

14 **Rule 49.11. Transferred.**

15 **Rule 49.13. Transferred.**

16
17 **Rule 51. Qualifications of applicants for admission.**

18 1. An applicant for a license to practice as an attorney and counselor at law in this
19 state shall not be admitted to practice law in this state unless such applicant shall:

20 (a) Have attained the age of majority.

21 (b) Be present or available within the State of Nevada, and remain so until
22 examined as required by Rule 65, so as to permit and facilitate the examination,
23 investigations, interviews and hearings necessary to determine the applicant's
24 morals, character, qualifications and fitness to practice law.

1 (c) Have received a juris doctorate degree [~~of bachelor of laws~~], or an
2 equivalent law degree, from a law school approved by the committee on legal
3 education and admissions to the bar of the American Bar Association, and shall
4 present evidence of the same.

5 (d) Demonstrate that the applicant is of good moral character and is willing and
6 able to abide by the high ethical standards required of attorneys and counselors at
7 law.

8 (e) Not have been refused admission to practice law in any state or before any
9 court or governmental agency of the United States on the ground of unfitness of
10 character.

11 (f) Not have been disbarred from the practice of law in any state or before any
12 court or governmental agency of the United States.

13 (g) Not have exhibited any past or present conduct or behavior that could call
14 into question the applicant's ability to practice law in a competent, ethical and/or
15 professional manner or which would render the applicant unfit to practice law.

16 (h) Not be an abuser of alcohol or prescription drugs, or a user of illegal drugs.

17 (i) Demonstrate financial responsibility.

18 (j) Be in full compliance with any court order, including without limitation,
19 spousal or child support orders.

20 (k) Achieve a passing score on the state bar examination.

21 2. No applicant for a license to practice as an attorney and counselor at law in
22 this state may take the bar examination unless the applicant satisfies (1)(a), (1)(c),
23 and (1)(f) above, and such application may be summarily denied. Such applicant
24 shall be permitted to reapply to take the bar examination when the conditions in
25

1 (1)(a), (1)(c), and (1)(f) have been satisfied and the applicant complies with other
2 applicable requirements.

3
4 **Rule 53. Fingerprinting of applicants.**

5 [~~1.~~] An applicant for examination for a license to practice as an attorney and
6 counselor at law in this state or for limited practice certification pursuant to SCR
7 49.1 shall, as part of the application, be fingerprinted in accordance with the
8 procedures set forth and forms provided by the state bar.

9 [~~2.~~ Each applicant shall, at the applicant's own expense, and on cards provided by
10 the State Bar of Nevada arrange to be fingerprinted by any police or sheriffs office
11 and shall submit two completed fingerprint cards and the signed Fingerprint
12 Background Waiver form required by the Nevada Department of Public Safety, to
13 the admissions director within 21 days of mailing the supplemental package by the
14 admissions director to the applicant. The fingerprint cards shall be completed in
15 strict compliance with the requirements established by the Nevada Department of
16 Public Safety and the Federal Bureau of Investigation from time to time.

17 ~~3.~~ The admissions director shall mail the applicant's fingerprint card to the
18 Federal Bureau of Investigation, Washington, D.C., for its report, and to such
19 other law enforcement agencies as the admissions director may deem necessary.]
20

21 **Rule 72.1. [~~Admission of legal services members.~~] Transferred.**

22 **Rule 72.3. [~~Admission of general law faculty members.~~] Repealed.**

23 **Rule 72.5. [~~Admission of law faculty members of The National Judicial~~**
24 **College.] Repealed.**

1 **Rule 77. Membership in state bar required; exceptions.**

2 [Subject to ~~Rules 42 and 43, no~~] No person may practice law as an officer
3 of the courts in this state who is not an active member of the state bar, unless
4 authorized to practice subject to SCR 42 and 43 or certified to practice under SCR
5 49.1(1)(a)-(f) and (h). [~~All persons who are admitted to practice in accordance~~
6 ~~with Rules 49 to 75, inclusive, shall become by that fact members of the state bar.~~]

7
8 **Rule 78. Active Members**

9 ~~Every person licensed to practice law in this state shall be deemed an active~~
10 ~~member of the state bar until at his request he is enrolled as an inactive or retired~~
11 ~~member, or other classification.~~

12
13 **Rule 78 [78.5]. Maintenance of trust funds in approved financial institutions;**
14 **overdraft notification.**

15 1. *Clearly identified trust accounts in approved financial institutions required.*

16 (a) Active members of the State Bar of Nevada and attorneys certified to
17 practice under SCR 49.1 shall deposit all funds held in trust in this jurisdiction in
18 accordance with [~~S.C.R. 165~~] SCR 217 in accounts clearly identified as “trust” or
19 “escrow” accounts, referred to herein as “trust accounts,” and shall take all steps
20 necessary to inform the depository institution of the purpose and identity of the
21 accounts. Funds held in trust include funds held in any fiduciary capacity in
22 connection with a representation, whether as trustee, agent, guardian, executor or
23 otherwise. Lawyer trust accounts shall be maintained only in financial institutions
24 approved by the State Bar.

1 (b) *Overdraft notification agreement required.* A financial institution shall be
2 approved as a depository for lawyer trust accounts if it files with the [S]state
3 [B]bar an agreement, in a form provided by the [S]state [B]bar, to report to the
4 [S]state [B]bar counsel whenever any properly payable instrument is presented
5 against a lawyer trust account containing insufficient funds, irrespective of
6 whether or not the instrument is honored. The [S]state [B]bar shall establish rules
7 governing approval and termination of approved status for financial institutions.
8 No trust account shall be maintained in any financial institution that does not
9 agree to so report. Any such agreement shall apply to all branches of the financial
10 institution and shall not be cancelled except upon [~~thirty days~~] 30 days' notice in
11 writing to the [S]state [B]bar.

12 3. *Overdraft reports.* The overdraft notification agreement shall provide that all
13 reports made by the financial institution shall be in the following format:

14 (a) In the case of a dishonored instrument, the report shall be identical to the
15 overdraft notice customarily forwarded to the depositor, and should include a copy
16 of the dishonored instrument, if such a copy is normally provided to depositors;

17 (b) In the case of instruments that are presented against insufficient funds but
18 which instruments are honored, the report shall identify the financial institution,
19 the lawyer or law firm, the account number, the date of presentation for payment,
20 and the date paid, as well as the amount of overdraft created thereby.

21 4. *Timing of reports.* Reports under paragraph 3 shall be made simultaneously
22 with, and within the time provided by law for notice of dishonor, if any. If an
23 instrument presented against insufficient funds is honored, then the report shall be
24 made within five banking days of the date of presentation for payment against
25 insufficient funds.

1 5. *Consent by lawyers.* Every active member of the [S]state [B]bar as well as
2 attorneys certified to practice under SCR 49.1 shall, as a condition of maintaining
3 active membership in the [S]state [B]bar, be conclusively deemed to have
4 consented to the reporting and production requirements mandated by this Rule.

5 (a) Every active member and certified attorney under SCR 49.1 shall certify
6 ~~[Certification of] compliance with this Rule and [consent shall be acknowledged~~
7 ~~as part of every active member's annual licensing form. A member]~~ shall
8 immediately file with the [S]state [B]bar an updated certificate of compliance and
9 consent upon:

- 10 (1) any change of law firm affiliation;
- 11 (2) opening of any trust account with a financial institution; or
- 12 (3) the utilization of any trust account for which there is no certification and
13 consent on file with the [S]state [B]bar for said ~~[active member]~~ attorney.

14 6. *Costs.* Nothing herein shall preclude a financial institution from charging a
15 particular lawyer or law firm for the reasonable costs of producing the reports and
16 records required by this Rule.

17 7. *Financial institution immunity.* A financial institution shall not be liable for
18 damages to any person or entity for an erroneous overdraft report filed in good
19 faith or for the unintentional failure to comply with this Rule.

20 8. *Definitions.* For purposes of this Rule:

21 (a) "Financial institution" includes a bank, savings and loan association, credit
22 union, savings bank, and any other business or person located in this state that
23 accepts for deposit, funds held in trust by lawyers.

1 (b) "Properly payable" refers to an instrument which, if presented in the normal
2 course of business, is in a form requiring payment under the laws of this
3 jurisdiction.

4 9. *Suspension for non-compliance.* All active members and attorneys certified to
5 practice under SCR 49.1 shall meet the certification and consent requirements of
6 this rule within 30 days [~~of the effective date of this rule or~~] of admission or
7 certification [~~becoming an active member of the State Bar~~]. The state bar shall
8 notify in writing all attorneys [~~Active members~~] who fail to meet the requirements
9 of this rule [~~shall be notified~~] of their non-compliance [~~; in writing, by the State~~
10 ~~Bar~~]. Upon expiration of 30 days from the date the [S]state [B]bar sends the
11 [~~member~~] notice of non-compliance, [~~said member~~] the attorney shall be
12 suspended from [~~membership in the State Bar~~] practice, but may be reinstated
13 upon filing the certificate of compliance and consent with the [S]state [B]bar.
14 [~~Additionally, clients' funds which are nominal in amount or to be held for a short~~
15 ~~period of time shall also be deposited and maintained in accordance with the~~
16 ~~provisions of Rule 217.~~]

17
18 **Rule 79. Disclosures by members of the bar.**

19 1. Every member of the state bar, including active, nonresident active and inactive
20 members, as well as attorneys certified to practice under SCR 49.1, shall provide
21 to the state bar, for the purposes of state bar communications, the following:

- 22 (a) A permanent mailing address;
23 (b) A permanent telephone number; and
24 (c) A current e-mail address.

1 2. Every member of the state bar and attorneys certified to practice under SCR
2 49.1 shall disclose to the state bar the following information:

3 (a) Whether the lawyer is engaged in the private practice of law;

4 (b) Whether the lawyer is engaged as a full-time government lawyer or judge,
5 or is employed by an organizational client and does not represent clients outside
6 that capacity, or is not currently representing clients; and

7 (c) If engaged in the private practice of law, whether the lawyer maintains
8 professional liability insurance, and if the lawyer maintains a policy, the name and
9 address of the carrier.

10 3. Every member of the state bar and attorneys certified to practice under SCR
11 49.1 shall inform the state bar of any change in any of the information disclosed
12 under this rule within 30 days after any such change. The member or certified
13 attorney shall report a change of address, telephone number or email address
14 online.

15 4. Every member of the state bar and attorneys certified to practice under SCR
16 49.1 shall certify annually on a form provided by the state bar the information
17 required under this rule.

18 5. The information submitted under this rule shall be nonconfidential, but upon
19 request of a member or attorney certified to practice under SCR 49.1, the state bar
20 will not publicly disclose [~~a member's~~] the email address.

21 6. Any member or attorney certified to practice under SCR 49.1 who fails to
22 provide the state bar with the information required by this rule shall be subject to a
23 fine of \$150 and/or suspension upon order of the board of governors and/or the
24 supreme court from membership in, or certification by, the state bar until
25 compliance with the requirements of this rule and/or until reinstatement is ordered

1 by the supreme court. A member, or certified attorney pursuant to SCR 49.1, may
2 apply for a one-year hardship exemption from the e-mail provision on a form
3 provided by the state bar. Supplying false information in response to the
4 requirements of this rule shall subject the lawyer to appropriate disciplinary
5 action.

6 7. The state bar shall provide the board of continuing legal education with an
7 annual [~~membership~~] roster within 60 days of the due date for annual membership
8 and certification fees and registration forms.

EXHIBIT B

Limited License Certifications

As of September 19, 2018

Court Rule	Limited License Certification	Number
49.1	Clinical Law Faculty: UNLV William S. Boyd School of Law	7
49.2	Emeritus Pro Bono: Legal Aid Center of Southern Nevada	8
49.4	Deputy District Attorneys in Rural Counties	0
49.6	State Bar of Nevada: Bar Counsel or Assistant Bar Counsel	0
49.8	Nevada Attorney General: Deputy Attorneys General	1
49.9	Deputy State Public Defenders in Rural Counties	0
49.10	Government or In-House Counsel	151
49.11	Federal Public Defender	17
49.13	Attorney Spouses of Military Personnel	1
72.1	Legal Services Members	25
	-- Legal Aid Center of Southern Nevada (16)	
	-- Nevada Legal Services (7)	
	-- Washoe Legal Services (2)	
72.3	General Law Faculty	0
72.5	National Judicial College	0
	TOTAL:	211

Court Rule	Limited License Certification	Number
49.5	Law Students: UNLV William S. Boyd School of Law	20
	TOTAL:	20

EXHIBIT C

	49.1 Clinical Law Faculty	49.2 Emeritus Pro Bono	49.4 Rural DA	49.9 Rural PD	49.10 In-House Counsel	49.11 Federal PD	49.13 Military Spouse	72.1 Legal Services
	49.1(a)	49.1(e)	49.1(b)	49.1(c)	49.1(g)	49.1(d)	49.1(h)	49.1(f)
Employer Affidavit					Yes			
Application fee	\$150 \$1,200	\$0 \$0	\$150 \$1,200	\$150 \$1,200	\$250 \$1,200	\$150 \$1,200	\$1,000 \$1,200	\$250 \$0
Termination upon end of employment	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes		Yes Yes
Termination upon change in qualifying conditions							Yes	
CLE Requirement	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Subject to Discipline	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Suspension for failure to renew and reinstatement	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mandatory disclosures to State Bar (malpractice insurance, child support, trust account, pro bono report)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unrestricted							Yes	
Practice limited to auspices of program or for named employer	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes	Yes Yes
Court appearances	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Pleadings require name and address of employer	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Time Limitation	None None	None None	2 yrs. 2 yrs.	2 yrs. 2 yrs.	None None	None None	4 yrs. 4 yrs.	None None
Temporary certification pending application review	Yes	Yes	Yes	Yes	Yes	Yes		Yes
Recertification/Renewal	Annual Annual	Annual Annual	Annual Annual	Annual Annual	Annual Annual	Annual Annual	Annual Annual	Annual Annual
Renewal Fee	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes	Yes Yes

Qualifications for attorneys admitted under SCR 49.6 (attorneys employed by the State Bar of Nevada) and 49.8 (attorneys employed by the Nevada Attorney General) are not included in this list. The State Bar of Nevada recommendation is for these exemptions to be removed.