

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 0538

FILED

JAN 30 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER SCHEDULING PUBLIC HEARING
AND REQUESTING PUBLIC COMMENT*

On December 27, 2018, the Board of Governors of the State Bar of Nevada filed a petition to amend Supreme Court Rules (SCR) 49.1 through 49.13 and SCR 72.1 through 72.5. The proposed amendments are attached as Exhibit A. Exhibits B and C provide addition information regarding the proposed amendments.

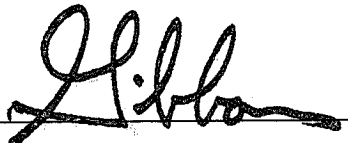
The Nevada Supreme Court will conduct a public hearing on the petition on Tuesday, March 5, 2019, at 1:30 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada.

Further, this court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., February 21, 2019. Persons interested in participating in the hearing must notify the Clerk no later than February 21, 2019.

Hearing date: March 5, 2019, at 1:30 p.m.
Supreme Court Courtroom
201 South Carson Street
Carson City, Nevada 89701

Comment deadline: February 21, 2019, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 30th day of February, 2019.


_____, C.J.

cc: All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Richard Pocker, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Administrative Office of the Courts

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
25

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.

16
17
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.

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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
Termination upon change in qualifying conditions	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
CLE Requirement	Yes	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
Court appearances	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pleadings require name and address of employer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Time Limitation	None	None	2 yrs.	2 yrs.	None	None	4 yrs.	None
Temporary certification pending application review	Yes	Yes	Yes	Yes	Yes	Yes	4 yrs.	Yes
Recertification/Renewal	Annual	Annual	Annual	Annual	Annual	Annual	Annual	Annual
Renewal Fee	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.