



BARTH F. AARON

ADMITTED IN THE STATES OF NEVADA, NEW JERSEY AND NEW YORK

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February 7, 2019

Elizabeth A. Brown, Clerk of the Supreme Court
201 South Carson Street
Carson City, NV 89701

RE: ADKT 0538

Dear Clerk Brown:

FILED

FEB 13 2019

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

As a member of the Nevada State Bar, I am submitting this written comment to ADKT 0538. My comment is opposition to the proposed amended Rule 49.1 (1)(b) and (c), a limited practice certification for deputy district attorneys and public defenders. My objection to a limited certification for these two categories is based on the extent of their practice in court or judicial setting. The practice by those two categories is manifestly judicial. They are litigators who consistently appear in court, where immediate knowledge and recall of Nevada-specific law and procedure are required. As a former felony prosecutor, I am fully cognizant of the need for a working knowledge of the law specific to the matter at hand as well as generic criminal law (in the case of those two categories) and, perhaps more importantly, Nevada-specific criminal procedure. None of that knowledge would be instilled by an out-of-state license. And given the public interest in the type of matters entrusted to them, actual knowledge of the law and competence in the representation of the State or criminal defendants is necessary. Even the requirement of supervision by a Nevada licensed attorney would not provide the needed "thinking on your feet" that litigation requires. That is, unless the limited certified individual is only an assistant or "second seat" to the licensed attorney, which most likely negates the need for the second attorney at counsel table.

One alternative is a fixed period during which an individual would be eligible for the limited certification. This would allow the government agency to hire the individual who could commence employment while preparing for and taking the Nevada Bar Examination. A period of two to three years would be more than adequate to allow the individual to receive bar exam results after commencing work in this state.

Thank you for your consideration of this comment.

Respectfully yours,

Barth F. Aaron

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State Bar #6201

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ELIZABETH A. BROWN
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DEPUTY CLERK

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