

# UNLV | WILLIAM S. BOYD SCHOOL OF LAW

UNIVERSITY OF NEVADA, LAS VEGAS

February 21, 2019

Via Facsimile and Electronic Mail

Elizabeth A. Brown  
Clerk of the Supreme Court  
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Re: ADKT 0538

Dear Ms. Brown:

I wish to add my voice to the comments on ADKT 538 filed by Dean Daniel Hamilton on behalf of the law school. I write in my individual capacity as a member of the Nevada bar, the law school faculty, the Thomas & Mack Legal Clinic, the Nevada Right to Counsel Commission and this Court's Access to Justice Commission. I care deeply about access to justice and believe that ADKT 538, in its current form, will disrupt and undermine the efforts of the law school to provide critical legal services in Nevada.

I fully support the law school's request to incorporate minor changes to ADKT 538 that will facilitate pro bono and court-appointed work by law faculty individually and in the law school's clinical program. Given the extreme need for legal help, I urge this Court to adopt those changes so that more lawyers, not fewer, are able to serve this community.

As Dean Hamilton explained in his letter, SCR 49.1 and SCR 72.3 work well as is. Responding to the proposal to modify, repeal, and consolidate those rules in ADKT 538, I agree with Dean Hamilton that the law school's proposed amendments will avoid disruption to the law school's clinical program and facilitate service by law school faculty. The law school's proposal is modest: it merely requests waivers of the application fee and Multi-state Professional Responsibility Examination for law school faculty teaching clinical courses or engaged in other legal service work. ADKT 538 already includes such waivers for legal aid providers, so the proposed amendment would simply extend those waivers to law school faculty engaged in legal service work.

The law school's proposed amendments, in my view, also capture the most valuable part of SCR 72.3, which is slated for repeal. That rule currently permits faculty to engage in eight hours per week of paid work and unlimited "pro bono representation or criminal defense representation

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undertaken pursuant to court order." I highlight this for several reasons. First, no other part of SCR 49.1 addresses court-appointed criminal defense work, which is also a critical need in this State. Second, as Dean Hamilton mentioned, this provision broadly allows faculty to handle any pro bono matter and is not limited to matters sponsored by a legal aid provider, which are often restricted in terms of what kinds of cases or clients they accept. Finally, unlike SCR 72.3, the law school's proposed revision excludes paid work and only covers clinical teaching, pro bono, or court-appointed criminal defense work. In other words, the law school's proposal would restrict practice by faculty under the rule to providing legal services in the public interest.

In short, I support leaving unchanged the limited practice rules for law faculty. If this Court is inclined to adopt the changes proposed in ADKT 538, I support the law school's proposal to ensure that the rule change does not disrupt or deter valuable service to the community by law school faculty through clinical teaching, pro bono, and/or court-appointed work.

Thank you for the Court's consideration of this comment.

Sincerely,



Anne R. Traum  
Professor of Law  
William S. Boyd School of Law