

State of Nevada
Board of Continuing Legal Education

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LAURA BOGDEN
EXECUTIVE DIRECTOR

November 20, 2019

FILED

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

Elizabeth Brown
Clerk of the Court
Supreme Court of Nevada
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

Re: Written Comment in Support of Petition Filed by the Board of Governors of the State Bar of Nevada Regarding Continuing Legal Education for Attorneys Who Have Attained the Age of 70 Years - (ADKT 0549)

Dear Ms. Brown:

Pursuant to the Court's November 1, 2019 Order regarding the above-referenced matter, on behalf and at the direction of the Nevada Board of Continuing Legal Education ("CLE Board"), I write in support of the petition filed by the Board of Governors of the State Bar of Nevada regarding continuing legal education for attorneys who have attained the age of 70 years, docketed as ADKT 0549 by the Court ("Petition"). I am also interested in participating in the hearing of this matter, and I intend to appear at the Nevada Supreme Court Courtroom at 201 South Carson Street, Carson City to participate via videoconference.

The CLE Board fully supports the Petition and joins with the Board of Governors in requesting the rule change. The CLE Board believes the following points from the Petition are especially significant and warrant repetition:

- * There are more than 800 attorneys in Nevada over age 70 who currently maintain an active license. They represent nearly 1 out of 10 actively licensed attorneys in this State.
- * Nevada is one of only 9 states in which age is the only factor to qualify for exemption from mandatory continuing legal education.
- * Other regulated professionals in Nevada, such as doctors, nurses, architects and accountants do not have exemptions in their respective rules from continuing education requirements.
- * An attorney who holds an active license is deemed competent to practice law, regardless of age. Mandatory continuing legal education plays an important role in maintaining competence and public

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19-47650

protection. Exemptions to mandatory legal education are inconsistent with the purpose for which CLE requirements were established.

The proposed change makes sense for Nevada's bar and for the clients we serve. If the Court has determined that it is appropriate for an attorney in "active" status to complete continuing legal education, there is no logical basis for lifting that requirement merely because an attorney has attained 70 years of age. The CLE Board believes that would be the case even if there were only one active attorney who had attained the age of 70 years, but in Nevada there are currently more than 800 such attorneys. An attorney is either "active" or the attorney is not, and if an attorney is active, the Court, subject to other exceptions not germane to the Petition, should require completion of continuing legal education. The CLE Board also urges the Court to include language in an order implementing the rule change directing the CLE Board to waive any late fees associated with completion of credits and submission of the affirmation of attendance during the first reporting year for those attorneys who have attained the age of 70 years.

The CLE Board thanks the Court for its attention and careful consideration in this matter.

Sincerely,



Francis C. Flaherty
Chair

cc: Laura Bogden
Kim Farmer