

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2   In the matter of Amendments to SCR  
3   210(2) regarding minimum continuing  
4   legal education requirements.

ADKT NO.:   0651

**FILED**

NOV 25 2019

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

8                   **PETITION**

9       The Nevada Supreme Court Access to Justice Commission ("Commission")  
10   hereby petitions this court to amend SCR 210(2) to provide continuing legal  
11   education ("CLE") credit for pro bono legal service.

12       The proposed rule, as amended, is attached hereto in its entirety as Exhibit A.

13                   **DISCUSSION**

14       The Nevada Board of Continuing Legal Education (NVCLE) regulations reflect  
15   awareness that lawyers can meet professional development requirements through  
16   participation in activities beyond attendance at seminars. Alternative activities  
17   already qualifying for CLE credit include authorship, editing and instruction. [Reg.  
18   2(1)(B)(C)] Indeed, NVCLE academic standards call for "furthering the education  
19   of attorneys in matters of their professional or ethical obligations". [Reg. 3(1)(A)]  
20   One such responsibility is outlined in NRPC Rule 6.1 Pro Bono Public Service.

21       Equal justice under law is hallmark of democracy, and while many Nevada  
22   lawyers and organizations endeavor to provide access to justice to vulnerable  
23   Nevadans, according to the Commission's recent *Nevada Statewide Study of Legal*  
24   *Needs and Economic Impacts*, 76% of low income Nevadans' civil legal needs go  
25   unmet.

1 It is widely recognized that in certain cases fair outcomes are elusive for  
2 people without a lawyer. These cases demand representation by a lawyer. The  
3 recent study also revealed Nevada has just 84 legal aid lawyers to serve 400,000  
4 low income Nevadans; or one legal aid lawyer for every 4,800 people living at or  
5 below the poverty line. In contrast, the ratio for Nevadans living above that  
6 income level is 12 lawyers for every 4,800 people.

7 Recognizing this problem, at least 15 states offer CLE credit for taking a pro  
8 bono case. A list of states that grant CLE credit for pro bono is attached as Exhibit  
9 B.

10 Continuing legal education credit for pro bono has grown from the systemic  
11 need for more lawyers for the poor, and from the realization that pro bono  
12 volunteers gain substantial educational benefits. Pro bono case work is specialized  
13 and often involves research into unfamiliar case law. Even if taking a pro bono  
14 case within their specialty, lawyers frequently delve into unfamiliar rules and case  
15 law not taught in law school as it is germane primarily to the poor. Many legal aid  
16 cases are generally not handled in the private sector. During pro bono practice,  
17 lawyers see cases from a unique perspective, view the legal system from a different  
18 angle and work with diverse populations. Educational value from pro bono cases  
19 derives from regularly taking lawyers outside of their comfort zones, developing  
20 new expertise while simultaneously addressing the critical needs of vulnerable  
21 Nevadans with their civil cases.

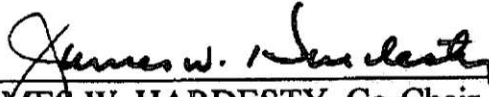
22 The proposed changes to SCR 210(2) reinforce and expand existing goals of  
23 Nevada's continuing legal education requirement. Pro bono representation  
24 increases a lawyer's competence, professionalism and understanding of new  
25 aspects of the practice of law. Allowing a limited number of CLE credits for pro

1 bono recognizes the value of experiential learning. In line with what is seen  
2 nationally, four (4) hours of pro bono are recommended for one (1) hour of CLE  
3 credit for a maximum of four (4) CLE credits per year.

4 This proposal has merit for lawyer education, delivering legal service to those  
5 in need, and can be a part of contributing to public trust and confidence in the  
6 court system.

7  
8 Respectfully submitted this 25 day of November 2019.

9 ACCESS TO JUSTICE COMMISSION  
10 CO-CHAIRS

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**EXHIBIT A**

**Rule 210. Minimum continuing legal education requirements.** To meet the annual minimum continuing legal education requirements imposed by these rules, each attorney subject to these rules must timely: submit an annual fee, complete the requisite number of credit hours, and check his or her online transcript for accuracy.

1. **Annual fee.** The amount of the annual fee is \$40, made payable to the Nevada Board of Continuing Legal Education, and must be postmarked on or before February 15 of the year for which the fee is required to be paid.

2. **Credit hours.**

(a) Subject to the carry forward provisions of subparagraph (b), a minimum of thirteen (13) hours of accredited educational activity, as defined by the regulations adopted by the board, must be completed by December 31 of each year. Of the thirteen (13) hours, at least two (2) shall be exclusively in the area of ethics and professional conduct and one (1) shall be exclusively in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence.

(1) Attorneys entitled to an exemption pursuant to Rule 214(1)(a) must complete the requirement within the same calendar year in which they are first subject to continuing legal education requirements.

(2) Attorneys who, for reasons other than an exemption pursuant to Rule 214(1)(a), become subject to these rules subsequent to or in the same calendar year that this amendment becomes effective, must complete the requirement within the same calendar year in which they become subject to these rules.

(b) Any attorney subject to these rules who completes more than thirteen (13) hours of accredited educational activity in any calendar year may carry forward up to twenty (20) hours of excess credit and apply the same to the attorney's general educational requirement for the next two (2) calendar years. Likewise, any attorney subject to these rules who completes more than two (2) hours of ethics and professional conduct credit in any calendar year may carry forward up to four (4) hours of excess credit and apply the same to the attorney's ethics and professional conduct educational requirement for the next two (2) calendar years.

(c) Continuing legal education credit may be earned through the provision of uncompensated pro bono civil legal representation or service through a Nevada entity outlined in Rule 6.5. To obtain credit each attorney shall obtain a Certificate of CLE Completion provided by same. Attorneys may claim one (1) general and/or ethics and professional conduct credit hour for every four (4) hours of uncompensated legal services performed for a maximum of four (4) CLE credit hours per year. CLE credits for pro bono shall be awarded without fees.

1 ([e]d) Any attorney subject to these rules who completes more than one (1)  
2 hour in the area of substance abuse, addictive disorders and/or mental health issues  
3 that impair professional competence may carry forward up to two (2) hours of  
4 excess credit and apply the same to the attorney's substance abuse, addictive  
5 disorders and/or mental health issues requirement for the next two (2) calendar  
6 years.

7 **3. Annual transcript.**

8 (a) At least thirty (30) days prior to the annual reporting date, the board shall  
9 provide a transcript of completed educational credits to each active attorney by  
10 posting transcripts online. To avoid being delinquent and in compliance with these  
11 rules, the attorney must report additional credits, corrections, or changes to the  
12 transcript to the board prior to the annual reporting date.

13 (b) The attorney whose transcript indicates compliance with the CLE  
14 requirements may assume he or she is in compliance.

15 (c) The board shall establish regulations providing for review of its  
16 determination of the CLE credits earned by an attorney and for resolving disputes.  
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## EXHIBIT B

### CLE Credit for Pro Bono Representation by Jurisdiction

State	Authority/Rule	# PB Hours for 1 CLE	CLE Cap, if any
Alabama	Bar, CLE 3.9	6 for 1	
Arizona	SCR 45(a)(5)	5 for 1	5 per year
Colorado	RCP 260.8	5 for 1	9 hours every 3 years
Delaware	Rule for CLE 8(D)	6 for 1	6 hours every 2 years
Louisiana	SCR XXX, Rule 3, Reg 3.21	5 for 1	3 per year
Minnesota	State Board of CLE, Rule 6D	6 for 1	6 hours every 3 years
New York	CLE Board Regs Sec. 3D(11)	2 for 1	10 for every 2 years
North Dakota	CLE Policy 1.19 of Section 1	6 for 1	3 hours every 3 years
Ohio	SCR X, Section 5(H)	6 for 1	6 hours every 2 years
Oregon	Rule 5.13(b)	2 for 1	6 hours every 3 years
Pennsylvania	3 yr. CLE Pilot begins 2019	5 for 1	3 hours every 1 year
Tennessee	SCR 21, Section 4.07(c)	5 for 1	3 hours for every 1 year
Washington	State Court Rule 11.2(a)(4)	6 for 4	
Wisconsin	SCR Chapter 31.05(7)	5 for 1	6 hours per reporting period
Wyoming	CLE Rule 5(d)	5 for 1	3 hours for every 1 year
Average		4.9 hours for 1 CLE	3.2 CLEs per every 1 year