

State of Nevada
Board of Continuing Legal Education

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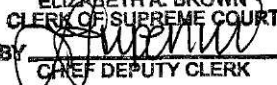
LAURA BOGDEN
EXECUTIVE DIRECTOR

January 10, 2020

FILED

JAN 10 2020

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

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

Re: Additional Written Comment Regarding Petition Filed by the Access to Justice Commission
Regarding Continuing Legal Education Credit for Attorneys Performing Certain Pro Bono Work
- (ADKT 0551)

Dear Ms. Brown:

Pursuant to the Court's December 5, 2019 Order regarding the above-referenced matter, on behalf and at the direction of the Nevada Board of Continuing Legal Education ("CLE Board"), I submitted written comments to the Court in a letter dated December 30, 2019 regarding the Access to Justice Commission's ("Commission's") petition seeking continuing legal education credit for attorneys who have performed certain pro bono work, docketed as ADKT 0551 by the Court ("Petition"). Since then, the CLE Board has been informed by the Commission's Director, Brad Lewis, that one of the modifications proposed by the CLE Board would present an operational difficulty for the CLE Board and court-sponsored pro bono activities. I have conferred with Mr. Lewis and have attached a revised, proposed Exhibit A that addresses the earlier points raised by the CLE Board and resolves the Commission's concern regarding court-sponsored pro bono activities.

The CLE Board thanks the Court for its attention and careful consideration in this matter, and it thanks the Access to Justice Commission for its hard work in this matter.

Sincerely,



Francis C. Flaherty
Chair

Enclosure

cc (w/encl.): Laura Bogden
Kim Farmer
Brad Lewis

FRANK C. FLAHERTY - CHAIR

RICHARD I. DREITZER • JENNY D. HUBACH • MEGAN C. HOFFMAN • KATHLEEN M. PAUSTIAN • ROBERTO PUENTES, JR. • LYNNE K. SIMONS

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20-01376

Nevada Board of Continuing Legal Education
Revised and Updated Proposed Exhibit A for ADKT 0551

Rule 210. Minimum continuing legal education requirements; credit for pro bono cases. To meet the annual minimum continuing legal education requirements imposed by these rules, each attorney subject to these rules must timely: submit required fees, complete the requisite number of credit hours, and provide such other information as the board may require.

1. **Annual fee.** The amount of the annual fee will be determined by the board, but will not exceed \$40. The annual fee must be paid on or before March 1 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. 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.

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

3. Credit for pro bono cases. An attorney subject to these rules may earn continuing legal education credit by providing uncompensated pro bono civil legal representation or service through a court or nonprofit legal service provider approved by the Access to Justice Commission. An attorney may obtain one (1) hour of general credit for each four (4) full hours of uncompensated legal services performed for a maximum of four (4) hours of continuing legal education credit per year. To obtain credit, the attorney must report completion of uncompensated pro bono civil legal representation or service to the entity that provided the case or service opportunity to the attorney, and the entity that provided the case or service opportunity to the attorney shall then submit the appropriate number of continuing legal education credits to the board on behalf of the attorney. The board shall not assess fees for continuing legal education credits awarded pursuant to this Rule.

4. Affirmation of attendance. No later than December 31, an attorney must submit to the board an affirmation of attendance listing all courses of continuing legal education attended during the year and the number of credit hours the attorney is claiming for each course. The affirmation of attendance constitutes an attorney's representation under penalty of perjury that the attorney attended and participated in the listed course of continuing

legal education for the hours represented on the affirmation. The provisions of Rule 212 are applicable to the affirmation of attendance.

[4.]5. CLE credit compliance. The board shall establish regulations providing for review of its determination of the CLE credits earned by an attorney and for resolving disputes. The regulations shall provide for the random audit of attorneys' affirmations of attendance to verify attorney compliance with CLE requirements.