


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS
OF SUPREME COURT RULES
RELATING TO ATTORNEY
MISCONDUCT; SCRS 99-122

ADKT 0608

FILED

NOV 09 2023

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

*ORDER CORRECTING ORDER AMENDING
SUPREME COURT RULES 99 THROUGH 122*

On September 26, 2023, this court entered an order amending Supreme Court Rules 99 through 122. On October 10, 2023, the State Bar of Nevada submitted a letter to this court requesting correction to amendments made to SCR 106.5. Specifically, the State Bar indicates that the proposed amendments to SCR 106.5 included in its petition filed on February 10, 2023, erroneously deleted references to the Nevada Lawyer Assistance Program and that its intent was to leave SCR 106.5 unchanged from the existing rule. We agree with the requested correction.

Accordingly, SCR 106.5 shall read as set forth in Exhibit A to this order. The amendments to SCR 99 through 122, as corrected by this order, remain effective as of October 26, 2023.

It is so ORDERED.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

Lee, J.
Lee

Parraguirre, J.
Parraguirre

Bell, J.
Bell

cc: Julie Cavanaugh-Bill, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Administrative Office of the Courts

Rule 106.5. Lawyers wellness programs: [~~Lawyers Concerned for Lawyers program~~]: privilege and limitation.

1. [~~Definition.~~] **Purpose.** The [~~Lawyers Concerned for Lawyers program is a voluntary program created by the~~] board of governors may establish lawyer wellness programs to assist lawyers who are suffering from a psychological disorder or impairment; a drug, alcohol, gambling, or other addictive or compulsive [~~disorder~~] disorder; or issues related to mental health.

2. Definitions.

(a) The Lawyers Concerned for Lawyers (LCL) program provides confidential peer-to-peer support. A lawyer's participation in LCL is voluntary.

(b) The Nevada Lawyer Assistance Program (NLAP) provides clinical assessment, treatment, or therapy services. Services provided through NLAP may be sought on a voluntary basis or may be ordered on condition of a diversion agreement under SCR 105.5 or may be court ordered.

3. **Privilege.** Individuals who make a good faith report to [~~the Lawyers Concerned for Lawyers program,~~] LCL or NLAP; the board of governors and its members, bar counsel, and staff[,]; and the coordinator, agents, or employees of the [~~Lawyers Concerned for Lawyers~~] LCL or NLAP program shall be absolutely immune from civil liability for any activities related to the [~~Lawyers Concerned for Lawyers~~] LCL or NLAP program, including, but not limited to, making referrals to a counselor, therapist, medical, psychological, or behavior health care provider. No action may be predicated upon the filing of a good faith report with the [~~Lawyers Concerned for Lawyers~~] LCL or NLAP program or any action taken in connection with such a filing by the coordinator, agents, or employees of the [~~Lawyers Concerned for Lawyers program~~] LCL or NLAP program.

3. **Limited use policy.** All information obtained by ~~the Lawyers Concerned for Lawyers~~ *the LCL program or as a result of voluntary services sought from NLAP*, including the initial report and any subsequent information provided to the program thereafter, shall be confidential and shall not be admissible in any state bar disciplinary, admission, administrative, or other state bar proceeding.

a. This rule is not meant to preclude the state bar from using evidence or information that is independently discovered from a source separate from the ~~Lawyers Concerned for Lawyers~~ *LCL or NLAP* program.

(b). *This rule is not meant to preclude the state bar from requiring participation in NLAP as part of a diversion program under SCR 105.5, in which case, the attorney is subject to the rules under SCR 105.5.*