

IN THE SUPREME COURT OF THE STATE OF NEVADA

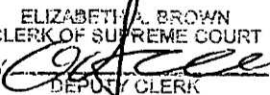
IN THE MATTER OF THE ADOPTION
OF SUPREME COURT RULE 49.5

No. ADKT 0611

FILED

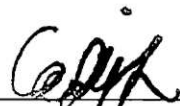
SEP 15 2023

AMENDMENT TO PETITION

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

Marcie Ryba, as Director of the State of Nevada Department of Indigent Defense Services, has submitted the attached proposed amendments to the Proposed Supreme Court Rule 49.5 attached as Exhibit A to the original Petition filed herein. After full consideration, the Access to Justice Commission has voted to support these proposed amendments to the proposed Rule 49.5, so long as the amendments do not prevent approval of its original submission. Thus, Associate Chief Justice Elissa Cadish, Co-Chair of the Access to Justice Commission, hereby submits the amended proposed Supreme Court Rule 49.5, attached hereto as Exhibit A, for consideration at the public hearing currently scheduled for October 2, 2023 at 3:00 p.m. in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada, with videoconferencing to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

Respectfully submitted,


Elissa F. Cadish
Associate Chief Justice

23-30188

EXHIBIT A

Proposed Amendment for ADOPTION OF SUPREME COURT RULE 49.5

Rule 49.5. Limited practice for Supervised Legal Practitioners.

1. **Eligibility.** Application for limited practice for law school graduates *with a "qualified employment."* *"Qualified employment" shall mean:*

(a) ~~E~~~~t~~employed by or associated with an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters,

(b) *Employed as a deputy district attorney by a county whose population is fewer than 100,000 persons; or*

(c) *Employed by the State Public Defender or the county equivalent of such an office to practice in a county whose population is fewer than 100,000 persons;*

and supervised by a member of the State Bar of Nevada who meets the eligibility requirements as a supervising lawyer.

2. **Requirements.** A graduate applying for limited certification as a supervised legal practitioner under this rule shall:

(a) Have completed a full course of study and graduated with a juris doctorate or equivalent law degree from a law school approved by the American Bar Association;

(b) Intend to become a member of the Nevada bar;

(c) Not have been denied admission to the practice of law in Nevada for any reason except for failing to attain a passing score on any examination;

(d) Certify that the applicant is not currently subject to discipline for academic dishonesty or the subject of a pending disciplinary matter in any jurisdiction; and

(e) Apply for certification with the Nevada state bar pursuant to this rule using the attached form or a different form furnished by the Nevada state bar.

(1) The application shall include a written certification that the applicant has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Rules of Professional Conduct of this court and will abide by the same in the activities permitted by this rule. The filing of an application pursuant to this rule is deemed a consent by the applicant to be subject to all disciplinary processes of the court and the state bar. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by suspension or forfeiture of the applicant's privilege of taking the bar examination and being licensed to practice law in this state.

(2) The application must be accompanied by a statement from the applicant's supervising attorney, on a form substantially similar to the form Declaration of the Supervising Lawyer Pursuant to Rule 49.5, attesting that the applicant will be a full-time employee or otherwise associated with the organization in a full-time capacity except for periods when studying or sitting for the Nevada Bar examination and that the nature of the employment conforms to the requirements of this rule.

3. Certification.

(a) Unless sooner withdrawn or terminated, certification under this rule shall remain in effect as long as the supervised legal practitioner remains eligible to participate in the activities permitted under this rule.

(b) The certification may be terminated by the state bar at any time without notice or hearing and without any showing of cause by mailing a notice of such termination to the supervised legal practitioner and the supervising lawyer.

(c) The certification terminates automatically whichever occurs sooner:

(1) If the supervised legal practitioner does not pass the Nevada bar examination after having made two (2) attempts.

(2) Eighteen (18) months after the supervised legal practitioner has graduated from law school.

(3) If the supervised legal practitioner leaves the *qualified employment*, ~~[employ of an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters]~~, except for employment with a different ~~[organized legal services program]~~ qualified employer as described herein.

4. **Supervision.** A "supervising lawyer" shall mean ~~[either]~~ a member of the state bar in active practice employed *with qualified employment* ~~[by an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters]~~. A supervising lawyer shall:

(a) Be an active resident member of the state bar and, before supervising the activities specified in subsection 5, shall have actively practiced law in Nevada as a full-time occupation for at least five (5) years.

(b) Supervise not more than two (2) supervised legal practitioners concurrently.

(c) Personally assume professional responsibility for all work undertaken by the supervised legal practitioner while under the lawyer's supervision.

(d) Assist and counsel the supervised legal practitioner in the activities permitted by this rule and review such activities to the extent necessary for the proper training of the practitioner and protection of the person on whose behalf the legal practitioner is appearing.

(e) Not be required to be continuously personally present throughout the activities permitted under subsection 5 after a period of time deemed appropriate by the supervising lawyer.

(f) Be responsible to the court for all filings, and the supervising lawyer's name must be on all pleadings, briefs, or other papers prepared by the supervised legal practitioner for filing; and the supervising lawyer must read and approve any documents prepared by the supervised legal practitioner for execution by any person before submission to that person.

(g) Notify the state bar in writing promptly whenever supervision of the supervised legal practitioner pursuant to this rule ceases, unless by reason of automatic termination pursuant to section 3(c)(1) or (2) above.

5. Activities permitted under this rule. Under the limited application of this rule, the supervised legal practitioner may, under the supervision of a supervising lawyer, but without requiring the supervisor's

continued presence after a period deemed appropriate by the supervising lawyer, engage in the following activities:

(a) Appear in any state court, a legislative body or an administrative tribunal without the presence of the supervising lawyer. The supervised legal practitioner shall announce their appearance as a supervised legal practitioner at the beginning of any hearing or proceeding.

(b) Prepare documents to be filed in any state court or with a legislative or administrative body. The supervised legal practitioner shall announce their appearance as a supervised legal practitioner at the beginning of any hearing or proceeding.

(c) Prepare transactional documents such as contracts, incorporation papers and by-laws, and filings required by a state, federal, or other governmental body.

(d) Negotiate and mediate the settlement of claims and disputes.

(e) Prepare and mail correspondence.

(f) Counsel and give legal advice.

The *qualified employment office*~~[legal services organization]~~ shall notify the client that a supervised legal practitioner may represent them during the pendency of the case.

6. Use of supervised legal practitioner's name. The name of a supervised legal practitioner under this rule may properly be:

(a) Signed and printed or typed on briefs, pleadings, and other similar documents on which the supervised legal practitioner has worked under the direction of the supervising lawyer if the supervised legal practitioner is clearly identified as certified under this rule.

(b) Signed to letters written on the supervising lawyer's letterhead that relate to the supervised work if the supervised legal practitioner is clearly identified as certified under this rule.

7. Compensation. A supervised legal practitioner may neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf he or she renders service. This shall not prevent *the qualified employment office*~~[a nonprofit organization rendering legal aid to indigent persons]~~ from compensating the supervised legal practitioner for his or her services and from applying to the court for attorney's fees in appropriate cases. ~~[A district attorney's or public defender's office shall compensate the supervised legal practitioner for his or her services.]~~

8. Other Lawful Acts. Nothing in this rule shall affect the right of any supervised legal practitioner who is not admitted to practice law to engage in any legal-related services he or she might lawfully do otherwise.

9. Place of filing. All documents required to be filed with the state bar by this rule shall be filed with the admissions director of the state bar.