

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF SUPREME COURT RULE 49.5

ADKT 0611

FILED

OCT 19 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  CHIEF DEPUTY CLERK

ORDER ADOPTING SUPREME COURT RULE 49.5

WHEREAS, Elissa F. Cadish, Associate Chief Justice of the Nevada Supreme Court and Co-Chair of the Access to Justice Commission, petitioned the Nevada Supreme Court on its administrative docket to adopt Supreme Court Rule (SCR) 49.5 to allow limited practice of law under the supervision of organized legal services programs and rural district attorney and public defender offices by law school graduates for a limited time; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on October 2, 2023; and

WHEREAS, this court concludes that the proposed adoption of SCR 49.5 is warranted; accordingly,

IT IS HEREBY ORDERED that SCR 49.5 shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that this rule shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described

publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule.

Dated this 19TH day of October, 2023.

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
Legal Aid Center of Southern Nevada
Northern Nevada Legal Aid
Nevada Legal Services
Southern Nevada Senior Law Project
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

EXHIBIT A
ADOPTION OF SUPREME COURT RULE 49.5

Rule 49.5. Limited practice for Supervised Legal Practitioners.

1. **Eligibility.** Law school graduates with a “qualified employment” may apply for limited certification as supervised legal practitioners. “Qualified employment” shall mean the graduate is:

(a) 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 any state based on failure to meet applicable character standards;

(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) Twelve (12) months after the supervised legal practitioner has graduated from law school or

(2) The supervised legal practitioner leaves the qualified employment as described herein.

4. Supervision. A “supervising lawyer” shall mean a member of the state bar in active practice employed with qualified employment. 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)(l).

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.

(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 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 from compensating the supervised legal practitioner for his or her services and from applying to the court for fees for such services in appropriate cases.

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.