

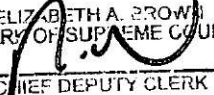
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT TO
SUPREME COURT RULE 49.1(1)(E)
REGARDING RURAL COUNTY
EQUIVALENT OF THE STATE PUBLIC
DEFENDER

ADKT 0622

FILED

OCT 09 2024

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

ORDER AMENDING SUPREME COURT RULE 49.1


WHEREAS, on September 24, 2024, the Board of Governors of the State Bar of Nevada filed a petition in this court seeking to amend Supreme Court Rule (SCR) 49.1 to expand the limited practice currently granted to attorneys admitted to the practice of law in another jurisdiction and employed by the State Public Defender or rural county equivalent, to include attorneys who are employed by private firms contracted to provide public defense services in counties with populations under 100,000 persons. Accordingly,

IT IS HEREBY ORDERED that the proposed amendments to SCR 49.1 shall be adopted and shall read as set forth in Exhibit A.

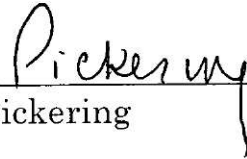
IT IS FURTHER ORDERED that the amendments to SCR 49.1 shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by 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 amendments.

Dated this 9TH day of October, 2024.



_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Richard Dreitzer, 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

EXHIBIT A

AMENDMENT TO SUPREME COURT RULE 49.1

Rule 49.1. Limited practice certifications for certain attorneys; temporary certification for military spouses.

1. **Eligibility.** Notwithstanding the provisions of Rule 49, an attorney admitted to practice law in any other jurisdiction may apply for limited practice certification if the attorney is:

(a) Employed by the William S. Boyd School of Law and either (i) teaches in the clinical law program or (ii) provides pro bono or court-appointed assistance to clients;

(b) Volunteering with an Emeritus Attorney Pro Bono (EAPB) program or is an inactive member of the State Bar of Nevada and volunteering with an EAPB program, as defined in Rule 49.2;

(c) 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;

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

(e) Employed by the State Public ~~[Defender or]~~ *Defender*, the county equivalent of such an ~~[office to practice]~~ *office, or a private firm contracted to provide public defense services* in a county whose population is fewer than 100,000 persons;

(f) Employed by the Nevada Attorney General;

(g) Employed by the United States Attorney for the District of Nevada or the Federal Public Defender for the District of Nevada;

(h) Employed exclusively as in-house counsel for a single corporation (including its subsidiaries and affiliates), association, partnership, or other business entity situated in or qualified to do business in Nevada, whose lawful business consists of activities other than the practice of law or the provision of legal services; or

(i) A spouse of a member of the United States Uniformed Services who is present in Nevada pursuant to military orders.

2. **Requirements.** An attorney applying for certification under this rule must:

(a) Have been admitted to practice law in another U.S. state, territory, or the District of Columbia;

(b) Not have been denied admission to the practice of law in Nevada;

(c) Demonstrate the qualifications for admission set forth in Rule 51(1)(a)-(j) and comply with the fingerprinting requirements pursuant to Rule 53, unless applying for certification as a volunteer with an EAPB program under Rule ~~[49.1(b);]~~ 49.1(1)(b);

(d) Establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;

(e) Have taken the Multistate Professional Responsibility Exam and obtained a scaled score of at least 85.00 on the exam within the three years preceding the filing of an application under this rule, except for those applying for certification under Rule ~~[49.1(a);]~~ 49.1(1)(a), (b), or (c); and

(f) Reside, or intend within the next six months to reside, within the State of Nevada, except for those applying for certification under Rule 49.1(1)(d) or (e).

3. **Application.** Application for certification to practice law in this state under the provisions of this rule shall be filed with the admissions director of the state bar and accompanied by:

(a) An affidavit from the attorney's immediate supervisor, unless applying for certification as a military spouse attorney under Rule **[49.1(i),]** *49.1(1)(i)*, or as a volunteer attorney under Rule 49.1(1)(b), attesting that:

(1) The attorney is a full-time employee;

(2) The nature of the employment conforms to the requirements of this rule; and

(3) The affiant will notify the State Bar of Nevada within fifteen (15) days after the applicant ceases to be so employed.

(b) A certificate of good standing for each jurisdiction in which the attorney is admitted indicating that the attorney has been admitted to practice law and is a member in good standing in that jurisdiction.

(c) A non-refundable application fee, equivalent to the fee charged pursuant to Rule 54(2), unless applying for certification under Rule 49.1(1)(a), (b), or (c). For those admitted under Rule 49.1(1)(d), (e), (f), or (g), the application fee will be applied to the first bar examination for which the attorney sits.

(d) Applications for certification to practice law in this state pursuant to Rule 49.1(1)(b) shall be filed on a form provided by the State Bar of Nevada and shall include an EAPB Provider Declaration that the attorney is volunteering with that EAPB program.

4. **Limited practice.** Attorneys certified under Rule 49.1(1)(a)-(g) or (i) may practice before all courts of this state subject to the conditions of this rule and to such further conditions as the court may hereafter direct. All attorneys

certified under Rule 49.1(1)(a)-(i) shall be permitted to perform pro bono services through an EAPB program, as defined by Rule 49.2.

(a) An attorney certified under Rule 49.1(1)(a) shall perform no legal services within the State of Nevada except for under the auspices of the clinical law program of the William S. Boyd School of Law, or pro bono or court-appointed assistance, and for such purposes only.

(b) An attorney certified under Rule 49.1(1)(b) or (c) shall perform no legal services within the State of Nevada except for clients aided under the auspices of the organized legal services program by which the attorney is employed or with which he or she is associated and for such purposes only.

(c) An attorney certified under Rule 49.1(1)(d), (e), or (f) shall perform no legal services within the State of Nevada except for the **[State]** *state* or for the county employing the **[attorney]** *attorney, or for the county contracting with a private firm that employs the attorney to provide public defense services* and under the supervision of an attorney in the employer's office who is an active resident member of the State Bar of Nevada. An attorney certified under Rule 49.1(1)(d), (e), or (f) shall additionally be permitted to provide pro bono legal services through an EAPB program, as defined by Rule 49.2.

(d) An attorney certified under Rule 49.1(1)(g) shall perform no legal services within the State of Nevada except for the federal agency employing the attorney, or pro bono services through an EAPB program, as defined by Rule 49.2.

(e) An attorney certified under Rule 49.1(1)(h) may not:

(1) Appear as counsel of record for the employer in Nevada in any court; before any administrative or political agency unless authorized by law; or in any arbitration, mediation, or alternative dispute resolution proceeding that is court ordered or annexed or authorized by law or administrative rule;

(2) Render legal advice or services to the public or to anyone other than the attorney's employer, other employees, or the employer's subsidiaries and affiliates, except when providing pro bono services through an EAPB program, as defined by Rule 49.2; or

(3) Hold himself or herself out to the public as an attorney authorized or engaged in offering legal services to the public in Nevada.

(f) Excepting those certified to practice under Rule 49.1(1)(a), (b), and (i), attorneys certified to practice under this rule shall not accept any compensation for such services except such salary as may be paid by the employer. All pleadings signed by an attorney certified to practice under this rule, except those certified to practice under Rule 49.1(1)(h), shall bear the name and address of the employer, or if teaching in a clinical law program at the William S. Boyd School of Law, the name of the clinical law program.

5. Discipline; bar membership; continuing legal education. An attorney certified to practice under this rule does not qualify for active membership in the State Bar of Nevada, but shall be subject to the jurisdiction of the court and disciplinary boards of this state with respect to the laws of this state governing the conduct of attorneys to the same extent as members of the State Bar of Nevada. Pending final disposition of any disciplinary matter, the court or the state bar may suspend any right to practice that is granted under this rule, without notice or hearing. During the time any attorney is certified under this rule, the attorney shall comply with the same requirements for continuing legal education as may be prescribed for active members of the State Bar of Nevada.

6. Temporary certification. The state bar, pending its review of an application for limited practice certification, may temporarily certify an attorney to practice under this rule, except for those applying for certification

under Rule ~~[49.1(i).]~~ 49.1(1)(i). Temporary certification shall in no event remain in effect longer than one year.

7. Termination of certification. Certification to practice under this rule shall terminate whenever the attorney ceases to be employed by the employer for which this certification was granted, or associated with an EAPB program. The employer or EAPB program shall notify the state bar in writing within fifteen (15) days of when the attorney's employment ceases or association with an EAPB program ends.

(a) In no event shall certification for those admitted under Rule 49.1(1)(f) remain in effect longer than two years.

(b) For those attorneys certified as a spouse of a member of the United States Uniformed Services present in Nevada pursuant to military orders, certification shall remain in effect no longer than four years. Additionally, certification to practice under this rule shall terminate by any of the following events:

(1) The servicemember separates or retires from the United States Uniformed Services;

(2) The military spouse attorney is no longer married to the servicemember;

(3) The servicemember is permanently transferred outside Nevada pursuant to military orders, except if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, but only until such time as the servicemember is assigned to a location with dependents authorized;

(4) The military spouse attorney is admitted to the general practice of law under any other rule; or

(5) The military spouse attorney fails to meet annual licensing requirements for an active member of the state bar.

8. **Certification fees.** Certification fees cover the calendar year and shall be due and payable by those attorneys certified under Rule 49.1(1)(a) and (d)-(i) at the time of certification. No part of the certification fee shall be apportioned to fractional parts of the year and no part of the certification fee shall be rebated. The annual certification fee is equivalent to the annual membership dues paid by active members of the State Bar of Nevada of comparable longevity.

9. **Renewal of certification.** An attorney certified by the State Bar of Nevada to practice under this rule who otherwise remains eligible to practice must annually renew the certification in accordance with Rule 49.4.