

IN THE SUPREME COURT OF THE STATE OF NEVADA

In the Matter of Amendments to SCR 214, SCR 98)
and SCR 121.1 regarding completion of the)
Introduction to Nevada Practice and Procedure)
Program, establishing mentorship program, and)
suspending an attorney's license for noncompliance,)
respectively)

ADKT NO. 0464

FILED

AUG 22 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
CHIEF DEPUTY CLERK

PETITION

The Board of Governors of the State Bar of Nevada (State Bar) hereby petitions this Court to amend SCR 214 regarding exemptions to minimum continuing legal education requirements as defined in SCR 210. The State Bar also petitions this Court to amend SCR 98 establishing a mandatory mentorship program, Transitioning into Practice, and SCR 121.1(1), concerning the entity responsible for suspending an attorney's license for noncompliance.

The proposed rules, as amended, are attached hereto in its entirety as Exhibit A.

DISCUSSION

The proposal would amend SCR 214(1) in relevant part to read:

1. The following attorneys are entitled to an exemption from the requirements of Rule 210:

(a) Any active member who has successfully completed the Nevada state bar examination in the present calendar year. The exemption shall be for the remainder of the calendar year in which the examination was successfully completed and the first full calendar year thereafter. Commencing on January 1 of the second calendar year after the successful completion of the examination, the active member becomes subject to these rules. Notwithstanding this exemption, each active member of the state bar, ~~[within the first year]~~ following the successful completion of the Nevada state bar examination, shall complete the ~~[Introduction to Nevada Practice and Procedure program]~~ Transitioning into Practice program.

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...

1 The proposal would amend SCR 98(2), establishing the Transitioning into Practice (TIP)
2 program as mandatory for all active members upon admission.

3 ...

4 2. *Active practice in Nevada.* Every person actively engaged in the practice of law in
5 this state shall enroll as an active member. Upon admission, every active member
6 shall, within 4 weeks, enroll in the Transitioning into Practice (TIP) program, certify
7 exemption from TIP, or request deferment. Completion of TIP, pursuant to the
8 guidelines established by the Standing Committee on Transitioning into Practice,
9 shall be by December 31 of the first full calendar year following admission.

10 a. *Exemption.* Members are exempt from TIP if admitted to the practice of law as an
11 active member in another jurisdiction for 5 years or more. Members are also
12 exempt from TIP if residing and practicing outside the state of Nevada. If the
13 attorney establishes a primary residence or principal office in Nevada within the
14 first 5 years of admission, or if the attorney makes more than 3 appearances in his
15 or her first 5 years of practice in a Nevada court, Nevada administrative or
16 Nevada arbitration proceeding, the attorney shall enroll in the next available TIP
17 cycle.

18 b. *Deferral.* Active members who are unemployed or judicial law clerks may request
19 deferral from TIP until they begin practicing, at which time they must enroll in
20 the next available TIP cycle. If granted, deferment requests are honored in 6
21 month increments, with a maximum deferral period not to exceed 2 years from the
22 date of initial deferral.

23 c. *Penalty for noncompliance.* An attorney subject to this rule who fails to timely
24 comply with its provisions shall be subject to suspension and a \$250 fine upon
25 order of the board of governors and the supreme court from membership in the
state bar until compliance with the requirements of this rule and/or reinstatement
is ordered by the supreme court.

...
...

18 The proposal would also amend SCR 121.1(1), making the State Bar the entity
19 responsible for issuing notices of suspension.

20 1. *Entity responsible.* If the attorney's suspension was imposed under Rule 98 for
21 failure to pay state bar dues or for failure to timely complete TIP, then the state
22 bar shall be responsible for issuing the notices required by Rule 121.1(2) and (3).
23 If the attorney's suspension was imposed under Rule 212 for failure to comply
24 with continuing legal education requirements, then the board of continuing legal
25 education shall be responsible for issuing the notices required by Rule 121.1(2)
and (3). In all other cases, bar counsel shall be responsible for issuing the notices
required by Rule 121.1(2) and (3).

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Overview

For years, the State Bar has operated the Introduction to Nevada Practice and Procedure program, commonly referred to as “Bridge the Gap.” This one-day program was designed as a one-size-fits-all model for attorneys, regardless of the attorney’s area of practice or level of experience. To make this program more meaningful to those attorneys in attendance, the State Bar, in conjunction with the Professionalism Summit Committee, developed TIP to replace Bridge the Gap and provide a more meaningful experience to newly admitted attorneys.

Transitioning into Practice is modeled after similar successful programs in Georgia, New Mexico, Oregon, Texas, Utah and Wyoming in which experienced attorneys are paired with new attorneys practicing in the same or similar areas of law. Mentors in these programs introduce new attorneys to the high standards of integrity, professional conduct, professional competence and service to the public expected in the profession.

Program Goals

The TIP program is designed to provide transitional support to newly admitted attorneys as they enter practice. The program is not intended to provide substantive advice or training in the practice of law. Rather, the goals of the program are to:

- Assist new lawyers in acquiring the practical skills and judgment necessary to practice in a highly competent manner;
- Train new lawyers on Nevada-specific rules and procedures not specifically taught in traditional learning environments;
- Sharpen and enhance the practical skills necessary to compete in today’s legal environment;
- Match new lawyers with more experienced lawyers for training in professionalism, ethics and civility;

- Provide support, foster relationships and create networking opportunities for newly admitted members; and
- Provide a means for all Nevada attorneys to learn the importance of organizational mentoring, including the building of developmental networks and long-term mentoring relationships.

Program Operation

Within four (4) weeks of admission, unless exempt or granted deferment by the State Bar's Standing Committee on Transitioning into Practice, all newly admitted attorneys must enroll in TIP. The first six (6) month TIP pilot session will begin in March 2012 and end in August 2012. Thereafter, beginning in January 2013, the TIP program will operate on two six (6) month cycles per year.

Attorneys will be paired with an experienced mentor who has practiced in Nevada for at least seven (7) years, is in good standing with the State Bar, and is approved by the State Bar's Board of Governors and appointed by the Court. Before serving in this capacity, mentors will be required to undergo training provided by the State Bar, which will include information on establishing successful mentoring relationships and review the TIP manual, which outlines program policies and procedures. Additionally, mentors and the attorney with whom they have been paired will be instructed to not reveal any communications that could compromise client confidentiality.

Newly admitted attorneys may select a mentor from a list of approved mentors provided by the State Bar. If the mentor requested has not been appointed by the Court, the State Bar's Standing Committee on Transitioning into Practice may make a conditional match pending Board of Governor approval and Court appointment. In the event an attorney's mentor of choice is not available, the State Bar will match the attorney with a mentor based principally on geographic and practice areas.

1 The State Bar will provide a core curriculum of activities that must be completed
2 during the six (6) month program, in addition to a list of suggested activities. The curriculum
3 is designed to cover topics such as:

- 4 a. The Nevada legal community;
- 5 b. Personal and professional development and ethics;
- 6 c. Law office management and the practice of law; and
- 7 d. Client communications, advocacy and negotiation.

8 In addition to these topics, mentors and attorneys are encouraged to develop and
9 complete electives in the attorney's area of practice, as well as in other elements such as:
10 litigation and transactions; alternative dispute resolution; negotiation; and client interviewing
11 and counseling.

12 Attorneys and their mentors are encouraged to meet at least once a month, although
13 the actual number of meetings and time will vary depending on each mentoring relationship
14 and the mentoring plan developed between each attorney and mentor. Meetings may occur in
15 person, by conference call or videoconference, and through email communication.
16 Additionally, attorneys mentored within their law firm, corporate legal department or
17 governmental unit may complete some of their required activities in small group settings.

18 Upon completion of TIP and by December 31 of the first full year admitted to practice,
19 the attorney and mentor must submit to the State Bar a signed affidavit of completion. Those
20 not completing this requirement will be subject to suspension and a \$250 fine. The State Bar
21 will be responsible for monitoring timely completion of TIP and will be responsible for
22 administering orders of suspension pursuant to Rule 121.1 and imposing the fine.

1 CONCLUSION

2 The State Bar of Nevada supports the TIP program as an effective means of
3 introducing newly admitted attorneys to the practice of law in Nevada. The program, as
4 proposed, creates one-on-one mentoring relationships, networking opportunities and
5 important instruction critical to the development of professional habits, practices and
6 character. Additionally, TIP is flexible enough to compliment and coordinate with existing
7 law firm training programs as well as the special training needs of government, corporate,
8 and public interest practices.

9 Respectfully submitted this 18th day of August, 2011.

10
11 STATE BAR OF NEVADA
BOARD OF GOVERNORS

12 

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EXHIBIT A

Rule 214. Exemptions.

1. The following attorneys are entitled to an exemption from the requirements of Rule 210:

(a) Any active member who has successfully completed the Nevada state bar examination in the present calendar year. The exemption shall be for the remainder of the calendar year in which the examination was successfully completed and the first full calendar year thereafter. Commencing on January 1 of the second calendar year after the successful completion of the examination, the active member becomes subject to these rules. Notwithstanding this exemption, each active member of the state bar, ~~[within the first year]~~ following the successful completion of the Nevada state bar examination, shall complete the ~~[Introduction to Nevada Practice and Procedure program]~~ Transitioning into Practice program.

(b) Any active member who is a full-time member of the federal judiciary.

(c) Any member of the state bar who, while not in default of the obligations imposed by these rules, has been voluntarily placed on inactive status; provided, however, that such voluntary placement must have been given in writing to the state bar and the board prior to the expiration of the applicable calendar year for which the exemption is claimed.

(d) Any active member who has attained the age of 70 years.

(e) Any active member who is deployed on full-time active duty in the armed forces of the United States, until the member's release from active military service and resumption of the practice of law.

2. The board, in its discretion, may grant an attorney subject to these rules an exemption upon circumstances constituting exceptional, extreme and undue hardship unique to the attorney, subject to the following:

(a) The attorney seeking the exemption shall promptly file with the board a verified application, specifying in detail the circumstances which the attorney believes afford a basis for an exemption;

(b) The board may, but need not, exempt the attorney from all or a portion of these rules; and

(c) The board may condition the exemption upon such terms and conditions, and limit the exemption or partial exemption to such period of time, as the board may deem appropriate.

Rule 98. Membership in state bar; classes; resignation; membership fees; penalties for nonpayment of fees; register of members.

1. *Classes.* Members of the state bar shall be divided into four classes:

(a) Active members admitted to practice in any jurisdiction 5 years or more.

(b) Active members who are also members of the federal judiciary, regardless of years of admission prior to practice in any jurisdiction.

(c) Active members admitted to practice in any jurisdiction less than 5 years.

(d) Inactive members.

2. *Active practice in Nevada.* Every person actively engaged in the practice of law in this state shall enroll as an active member. Upon admission, every active member shall,

1 within 4 weeks, enroll in the Transitioning into Practice (TIP) program, certify exemption
2 from TIP, or request deferment. Completion of TIP, pursuant to the guidelines established by
3 the Standing Committee on Transitioning into Practice, shall be by December 31 of the first
4 full calendar year following admission.

5 (a) *Exemption.* Members are exempt from TIP if admitted to the practice of law as an
6 active member in another jurisdiction for 5 years or more. Members are also exempt from
7 TIP if residing and practicing outside the state of Nevada. If the attorney establishes a
8 primary residence or principal office in Nevada within the first 5 years of admission, or if the
9 attorney makes more than 3 appearances in his or her first 5 years of practice in a Nevada
10 court, Nevada administrative or Nevada arbitration proceeding, the attorney shall enroll in
11 the next available TIP cycle.

12 (b) *Deferral.* Active members who are unemployed or judicial law clerks may request
13 deferral from TIP until they begin practicing, at which time they must enroll in the next
14 available TIP cycle. If granted, deferment requests are honored in 6 month increments, with a
15 maximum deferral period not to exceed 2 years from the date of initial deferral.

16 (c) *Penalty for noncompliance.* An attorney subject to this rule who fails to timely
17 comply with its provisions shall be subject to suspension and a \$250 fine upon order of the
18 board of governors and the supreme court from membership in the state bar until compliance
19 with the requirements of this rule and/or reinstatement is ordered by the supreme court.

20 3. *Active practice in other jurisdictions.* Members of the state bar residing in other
21 jurisdictions and engaging in the practice of law therein may enroll as inactive members of
22 the state bar if they are not actively engaged in the practice of law in this state.

23 4. *Inactive status.* Any member of the state bar who is not actively engaged in the
24 practice of law in this state, upon written request, may be enrolled as an inactive member. No
25 member of the state bar actively engaged in the practice of law in this state, or holding any
judicial office in this state, or occupying a position in the employ of or rendering any legal
service for an active member, or occupying a position where he is called upon to give legal
advice or counsel or examine the law or pass upon the legal effect of any act, document or
law in this state, shall be enrolled as an inactive member. Law clerks and staff attorneys of
the supreme court, and law clerks and legal assistants employed by the state and federal
courts, who are precluded by their employers from actively engaging in the practice of law,
may enroll as inactive members.

Active members who retire from practice shall be enrolled as inactive members at their
request. Inactive members shall not be entitled to hold office or vote. They may, on
application and payment of all registration fees required, become active members. Inactive
members shall have such other privileges, not inconsistent with these rules, as the board of
governors may provide.

21 5. *Resignation.*

22 (a) *By members in general.* Any member of the state bar who is not actively engaged in
23 the practice of law in this state, upon written application on a form approved by the state bar,
24 may resign from membership in the state bar if the member:

25 (1) has no discipline, fee dispute arbitration, or clients' security fund matters pending and

(2) is current on all membership fee payments and other financial commitments relating
to the member's practice of law in Nevada. Such resignation shall become effective when
filed with the state bar, accepted by the board of governors, and approved by the supreme
court.

1 (b) *By members with pending disciplinary charges.* A member of the state bar against
2 whom disciplinary charges are pending may tender a written application resigning from
3 membership in the state bar and relinquishing the right to practice law. No such resignation
shall become effective unless and until ordered by the supreme court after consideration and
recommendation by bar counsel.

4 (c) *Resignation is irrevocable.* A member who has resigned may return to the practice of
5 law in Nevada by making application as a new admittee, subject to the provisions of these
rules and applicable law, including the requirements that the resigned member:

6 (1) demonstrates that he or she is of good moral character and willing and able to abide
by the high ethical standards required of attorneys and counselors at law and

7 (2) takes and passes the Nevada State Bar Examination.

8 (d) *State bar's continuing jurisdiction.* The state bar shall retain jurisdiction to
investigate and take action with respect to matters involving a past member's conduct prior to
the member's resignation from the state bar.

9 (e) *Notice.* An attorney who resigns must comply with Rule 115. If the attorney fails to
do so, then the state bar shall proceed under Rule 118. The state bar shall also comply with
Rule 121.1.

10 6. *Transfer from active to inactive member.* An active member, if in good standing,
11 may be enrolled as an inactive member upon written request, and there shall be no rebate of
any membership fee after March 1 of the year in which such request is filed.

12 7. *Transfer from inactive to active member.* An inactive member, if in good standing,
13 may be enrolled as an active member upon written request. Upon the filing of such request
and the payment of a \$1 registration fee and the full annual membership fee for an active
14 member, for the current calendar year, less any membership fee paid by him as an inactive
member for such year, the applicant shall be immediately transferred from the inactive to the
active roll.

15 8. *Rights of inactive members.* An inactive member may attend the annual and special
16 meetings and participate in any debates at such meetings, may be appointed by the board of
governors upon any committee other than a local administrative committee, and may be
17 employed in a clerical position by the state bar.

18 9. *Membership fees.* Subject to approval by the supreme court, the board of governors
shall have the power to fix annual membership fees. The annual membership fees are:

19	Active members admitted to practice in any jurisdiction 5 years or more.....	\$450
20	Active members who are also members of the federal judiciary, regardless of years of admission to practice law in any jurisdiction.....	\$100
21	Active members admitted to practice in any jurisdiction less than 5 years.....	\$250
	Inactive members.....	\$125

22 10. *Payment of fees.* Membership fees cover the calendar year and shall be due on
23 January 1 of each year and shall be payable by those already members of the state bar on or
before March 1 in each year, and shall be due and payable by those admitted to practice at
24 the time of admission and registration.

25 No part of the membership fee shall be apportioned to fractional parts of the year and
no part of the membership fee shall be rebated by reason of death, resignation, suspension or
disbarment.

1 11. *Delinquent fees.* On March 2 of each year a penalty shall attach to all delinquent
2 membership fees as follows:

<i>Membership Category</i>	<i>Penalty Amount</i>
Active.....	\$100.00
Inactive.....	\$50.00

5 12. *Suspension for failure to pay fees.* Any member, active or inactive, failing to pay any
6 fees after the same become due, and after 2 months' written notice of his or her delinquency,
7 must be suspended from membership in the state bar, but may be reinstated upon the
8 payment of accrued fees and such penalties as may be imposed by the board of governors,
9 not exceeding double the amount of the delinquent fees. All fees shall be paid into the
10 treasury of the state bar, and when so paid shall become part of its funds.

11 Upon the expiration of a period of 70 days after the date of mailing the notice provided in
12 these rules, the executive secretary shall deliver to the board of governors a list of all
13 members who have failed to make the required payment, with proof of the mailing of the
14 notice to them. The board of governors shall make an order suspending the delinquent
15 members, and a certified copy of such order thereupon shall be filed with the clerk of the
16 supreme court and with the county clerk of each county.

17 A member who is suspended for failure to pay dues must comply with Rule 115. If the
18 member fails to comply with Rule 115, then the state bar shall proceed under Rule 118. The
19 state bar shall also comply with Rule 121.1.

20 13. *Reinstatement after fee suspension.* Whenever a member so suspended for
21 nonpayment of membership fees has paid all accrued fees and penalties, the executive
22 secretary may reinstate him as a member of the state bar, and shall thereupon certify his
23 reinstatement to the clerk of the supreme court and to the county clerk of each county. The
24 state bar shall also comply with Rule 121.1.

25 14. *Membership records.* The state bar under the direction of the executive director shall
maintain a database and other records of the membership of the state bar. In appropriate
places therein entries shall be made showing the address of each member, date of admission
and category of membership, date of transfer from one category to another, if any, date and
period of suspension, if any, and such other useful data as the board of governors may from
time to time require each member to furnish.

Every member shall at a minimum furnish the following information to the state bar in
whatever form requested:

- (a) Surname and given name or names.
- (b) All information and disclosures required by Rule 79.
- (c) When admitted to practice in Nevada, giving date.
- (d) Places and dates of practice prior to admission in Nevada (city and state).
- (e) Date and place of birth. If not born in the United States, stating when and where
naturalized.
- (f) If admitted to U.S. District Court, U.S. Circuit Court of Appeals, or U.S. Supreme
Court.
- (g) Membership, if any, in bar associations, giving name of each.
- (h) Whether ever disbarred, and if so, when and where, and when readmitted.

1 (i) Whether any disbarment or other proceedings of a like nature have ever been instituted
2 against him, or whether by resignation, withdrawal or otherwise the member has terminated
3 or attempted to terminate his office as an attorney, and, in either or any of the cases above
4 referred to, giving full particulars.

5 15. *Exemption from payment of fees.* A person licensed to practice law in this state who
6 has reached the age of 70 years, shall be exempted from the payment of annual membership
7 fees commencing with the calendar year succeeding the year in which the member reaches
8 age 70.

9 **Rule 121.1. Dissemination of discipline and disability information.**

10 1. *Entity responsible.* If the attorney's suspension was imposed under Rule 98 for failure
11 to pay state bar dues or for failure to timely complete TIP, then the state bar shall be
12 responsible for issuing the notices required by Rule 121.1(2) and (3). If the attorney's
13 suspension was imposed under Rule 212 for failure to comply with continuing legal
14 education requirements, then the board of continuing legal education shall be responsible for
15 issuing the notices required by Rule 121.1(2) and (3). In all other cases, bar counsel shall be
16 responsible for issuing the notices required by Rule 121.1(2) and (3).

17 2. *Public notice of change in license status and discipline imposed.* The entity
18 responsible under Rule 121.1(1) shall cause notices of orders that subject an attorney to
19 disbarment or any form of suspension, including suspension under Rule 98 or Rule 212, that
20 transfer an attorney to or from disability inactive status, that reinstate an attorney to the
21 practice of law, or to be published in the state bar publication. The responsible entity also
22 shall make these notices available to a newspaper of general circulation in judicial district of
23 this state in which the attorney maintained an office for the practice of law or carried on a
24 substantial portion of his or her practice.

25 The responsible entity shall also cause a notice of a public reprimand issued by the
supreme court to be published in the state bar publication.

The entity responsible for compliance with this provision has discretion in drafting public
notices required by this rule, which may consist simply of the orders themselves. However,
notices of orders that impose discipline should include sufficient information to adequately
inform the public and members of the bar about the misconduct found, the rules violated, and
the discipline imposed.

3. *Notice to the courts.* The entity responsible under Rule 121.1(1) shall promptly advise
all courts in this state of orders that suspend or disbar an attorney, that transfer an attorney to
or from disability inactive status, that approve an attorney's resignation, or that reinstate an
attorney to the practice of law.

4. *Disclosure to National Discipline Data Bank.* Bar counsel shall notify the National
Discipline Data Bank maintained by the American Bar Association Standing Committee on
Professional Discipline of all public discipline imposed by the supreme court on an attorney,
transfers to or from disability inactive status, reinstatements to the practice of law, and
resignations with discipline pending.

5. *Publication of supreme court orders.* The clerk of the supreme court shall cause any
order issued by the supreme court that subjects an attorney to any form of public reprimand,
suspension or disbarment, that transfers an attorney to or from disability inactive status, that
approves an attorney's resignation, or that reinstates an attorney to the practice of law to be

1 published in pamphlet form and disseminated to all subscribers of the advance sheets of the
2 Nevada Reports and to all persons and agencies listed in NRS 2.345.

3 6. *Publication of public reprimand issued by state bar.* Bar counsel shall cause a public
4 reprimand issued by the state bar under Rule 113 to be published in the state bar publication.
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STATE BAR OF NEVADA

August 19, 2011

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Dear Tracie:

At the August 17, 2011 meeting of the State Bar of Nevada Board of Governors the Board approved submission of the attached petition. The petition seeks to amend SCR 214, SCR 98 and SCR 121.1 related to the establishment and implementation for the Transitioning into Practice (TIP) program. Created to replace the long-standing Bridge the Gap session; TIP is designed to provide a one-on-one mentorship program with an attorney practicing in close proximity and within the same or similar practice area.

The TIP program is not organized under the Board of Continuing Education Rules (SCR 205 – SCR 215) as there is not a formal CLE component to the program, although the Board of CLE is considering approving 3 CLE credit hours for mentors participating in the program.

If I can be of further assistance please do not hesitate to contact me.

Respectfully,

A handwritten signature in cursive script, reading "Kimberly K. Farmer".

Kimberly K. Farmer

cc: Chief Justice Michael Douglas
Justice Nancy Saitta
Connie Akridge

