IN THE SUPREME COURT OF THE STATE OF NEVADA

In the matter of Amendments to SCR 214 regarding fee exemption of attorneys admitted pursuant to Rule 49.1(1)(b) and 49.1(1)(c).

ADKT NO. 563

FILED
JUL 24 2020
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

/

PETITION

The Nevada Board of Continuing Legal Education ("Board") hereby petitions this Court to amend SCR 214 to exempt attorneys admitted to practice law in Nevada pursuant to SCR 49.1(1)(b) and 49.1(1)(c) from the annual fee required pursuant to SCR 210(1).

The proposed rule, as amended, is attached hereto in its entirety as Exhibit A.

DISCUSSION

On August 8, 2019, this Court entered an order in ADKT 0538 providing in part that attorneys admitted to practice law in Nevada pursuant to SCR 49.1(1)(b) and 49.1(1)(c) are not required to pay certification fees otherwise required pursuant to SCR 49.1(8) and (9). "The annual certification fee is ***equivalent to the annual membership dues*** paid by active members of the State Bar of Nevada of comparable longevity." SCR 49.1(8) (emphasis added). Although the Court's

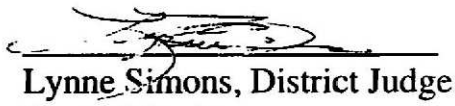
RECEIVED
JUL 23
ELIZABETH A.
OF SUPREME
CLERK

20-27123

August 8, 2019 Order in the matter of ADKT 0538 effectively exempted attorneys admitted pursuant to SCR 49.1(1)(b) and 49.1(1)(c) from annual membership fees otherwise due to the State Bar of Nevada, the Order did not exempt such attorneys from the annual fee due to the Board pursuant to SCR 210(1). It is the belief of the Board that this was an oversight on the part of the Court. Therefore, the Board submits this Petition to the Court to correct this oversight.

RESPECTFULLY SUBMITTED this 14th day of July, 2020.

NEVADA BOARD OF
CONTINUING LEGAL EDUCATION



Lynne Simons, District Judge
Board Member
457 Court Street, 2nd Floor
Reno, Nevada 89501

EXHIBIT

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, following admission, shall complete the 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 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. A person licensed to practice law in this state who has reached the age of 70 years shall be exempted from payment of the annual fee required **[~~of~~]** under Rule 210(1).

3. Any active member who is admitted to practice law in Nevada pursuant to Rule 49.1(1)(b) or 49.1(1)(c) shall be exempted from payment of the annual fee required under Rule 210(1).

4. All active members of the judiciary shall be exempted from payment of the annual fee required under Rule 210(1).

5.**[~~3.~~]** 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 that 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;

(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; and

~~**[(d) All active members of the judiciary shall be exempted from payment of the $40 annual fee under SCR 210(1).]**~~