

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS  
TO SUPREME COURT RULES 49.1  
THROUGH 49.13 AND SCR 72.1  
THROUGH 72.5 REGARDING LIMITED  
ADMISSION TO THE PRACTICE OF  
LAW; SCR 51 AND 53 REGARDING  
QUALIFICATIONS FOR ADMISSION  
AND FINGERPRINTING; AND SCR 77  
THROUGH 79.

ADKT 0538

**FILED**

JUL 23 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER AMENDING OR REPEALING SUPREME COURT RULES*

WHEREAS, on December 27, 2018, the Board of Governors of the State Bar of Nevada filed a petition to amend or repeal Supreme Court Rules 49.1 through 49.13 and 72.1 through 72.5, regarding the limited practice of law and to amend or repeal Supreme Court Rules 51, 53, 77, 78, 78.5, and 79 to streamline admission requirements; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on March 5, 2019; and


WHEREAS, this court has determined that the proposed rule changes are warranted; accordingly,

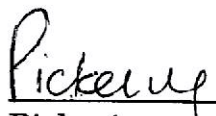
IT IS HEREBY ORDERED that Supreme Court Rules 49.1 through 49.13, 51, 53, 72.1 through 72.5, 77, 78, 78.5, and 79 shall be amended or repealed and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that these amendments to the Supreme Court Rules 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

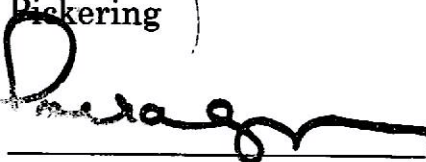
of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as 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 rules.

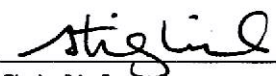
Dated this 23, day of May 2019.


  
Gibbons, C.J.

  
Pickering, J.

  
Hardesty, J.

  
Parraguirre, J.

  
Stiglich, J.

  
Cadish, J.

  
Silver, J.

cc: Richard Pocker, 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  
Administrative Office of the Courts

## **EXHIBIT A**

### **AMENDMENTS TO SUPREME COURT RULES 49.1, 49.2, 49.4, 49.5, 49.6, 49.8, 49.9, 49.10, 49.11, 49.12, 49.13, 51, 53, 72.1, 72.3, 72.5, 77, 78, 78.5, AND 79 AND ADOPTION OF SUPREME COURT RULE 49.3**

#### **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 the county equivalent of such an office to practice 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);

(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), (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) 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 or for the county employing the attorney 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). 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 49.1(1)(d), (e), or (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.

**Rule 49.2. Emeritus Attorney Pro Bono (EAPB) program; provider requirements.**

**1. EAPB program.** The EAPB program is hereby created to assist low-income clients through approved legal services providers as defined below.

**2. Approved EAPB providers.** An approved EAPB legal services provider for the purposes of this rule is a not-for-profit legal assistance provider approved by the Access to Justice Commission or its designee to assist low-income clients, without charge, in civil legal matters or that provides legal training, assistance, or advocacy support to qualified legal services projects.

**3. Court awarded fees.** An approved EAPB provider is entitled to receive all court-awarded attorney fees arising from representation provided by emeritus attorneys under its services.

**Rule 49.3. Limited practice for law students.**



1. **Eligibility.** Application for limited practice for law students may be made by:

(a) Students working on pro bono cases or for governmental or not-for-profit entities if enrolled in or graduated from a law school approved by the American Bar Association and supervised by a member of the State Bar of Nevada who meets the requirements of subsection 4(b)(1); or

(b) Students participating in a clinical or externship program while enrolled in, or completing assignments pursuant to enrollment in, a law school approved by the American Bar Association.

2. **Requirements.** A student applying for limited certification under this rule shall:

(a) Be certified by the dean of the student's law school, on a form to be furnished or approved by the state bar, as being in good academic standing and having successfully completed the minimum credit hours set out in subsection 2(b).

(b) Have successfully completed legal studies amounting to:

(1) At least thirty (30) semester credit hours, or the equivalent, to participate in the activities described in subsection 5 ("level 1 certification"); or

(2) At least forty-five (45) semester credit hours, or the equivalent, to participate in the activities described in subsection 6 ("level 2 certification").

(c) Apply for certification pursuant to this rule on a form to be furnished by and filed with the state bar. The application shall include the student's written certification that the student 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 student 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 student's privilege of taking the bar examination and being licensed to practice law in this state.

### **3. Certification.**

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

(b) The certification may be withdrawn by the dean or an assistant or associate dean at any time without notice or hearing and without any showing of cause. The certification shall be withdrawn if the student ceases to be duly enrolled as a law student prior to his or her graduation. Notice of a withdrawal of certification shall be filed with the state bar and mailed to the student and the supervising lawyer.

(c) 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 student, the supervising lawyer, and the student's law school dean.

(d) The certification terminates automatically:

(1) If the student does not apply for and take the first Nevada bar examination to be administered after the student has satisfied the educational requirements therefor.

(2) If the student does not pass a Nevada bar examination.

(3) Fifty (50) days after announcement of the results of the Nevada bar examination taken by the student, if the student passes the examination.

**4. Supervision.** A "supervising lawyer" shall mean either a lawyer or law professor employed by the William S. Boyd School of Law in a clinical

program and certified to practice in Nevada, or a member of the state bar in active practice.

(a) A supervising lawyer shall:

(1) Personally assume professional responsibility for all work undertaken by the student while under the lawyer's supervision.

(2) Assist and counsel the student in the activities permitted by this rule and review such activities with the student, to the extent necessary for the proper training of the student and protection of the client.

(3) Read, approve, and personally sign any pleadings, briefs, or other papers prepared by the student before filing; read and approve any documents prepared by the student for execution by any person before submission to that person; and read and approve any correspondence prepared by the student before mailing.

(4) Be present for any appearance by a student before a court or administrative tribunal.

(b) In addition to the above, a supervising lawyer who is not employed by the William S. Boyd School of Law in a clinical program shall:

(1) Be an active resident member of the state bar, and, before supervising the activities specified in subsection 6, shall have actively practiced law in Nevada as a full-time occupation for at least five (5) years.

(2) Supervise not more than one student, unless the students are participating in a William S. Boyd School of Law externship program.

(3) Be continuously personally present throughout the activities permitted under subsection 6(a), (b), and (c).

(4) Before commencing supervision of any student, file with the state bar a notice in writing and signed by the supervising lawyer that states



the name of the student and the period during which the lawyer expects to supervise the activities of the student.

(5) Notify the state bar in writing promptly whenever supervision of the student pursuant to this rule ceases.

**5. Activities permitted under level 1 certification.** A student with level 1 certification under this rule may engage in the following activities with the written consent of the client on whose behalf the student is performing the activities, and with the approval and under the supervision of a supervising lawyer:

- (a) Conduct investigations and interview witnesses.
- (b) Interview and counsel clients.
- (c) Represent clients before legislative and administrative bodies.

**6. Activities permitted under level 2 certification.** A student with level 2 certification under this rule may engage in the following activities with the written consent of the client on whose behalf the student is performing the activities, and with the approval and under the supervision of a supervising lawyer:

(a) Appear in any court or before any administrative tribunal in this state on behalf of any client.

- (b) Counsel and give legal advice to clients.
- (c) Negotiate and mediate the settlement of claims and disputes.

(d) Prepare documents to be filed in court or with a legislative or administrative body.

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



In all instances where, under this rule, a student is permitted to appear in court or before an administrative tribunal, the student shall file with the court or tribunal a copy of the written consent of the client required by this subsection and shall bring that consent to the attention of the judge of the court or presiding officer of the tribunal.

**7. Use of student's name.** The name of a student certified under this rule may properly be:

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

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

**8. Limitations.**

(a) A law student may neither ask for nor receive any compensation or remuneration of any kind directly from the client on whose behalf he or she renders service. Nor may a supervising lawyer charge a client an amount greater than that customarily charged for the lawyer's services. This shall not prevent a lawyer, law firm, organization having an established legal department, nonprofit organization rendering legal aid to indigent persons, or public agency from paying to a law student compensation not otherwise prohibited under these rules.

(b) Nothing in this rule shall affect the right of any law student 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.

**Rule 49.4. Renewal of limited practice certification for certain attorneys.**

**1. Annual certification.** An attorney certified under Rule 49.1 shall annually submit to the State Bar of Nevada an attestation that the attorney remains employed by the employer's office, or remains present in Nevada as a spouse of a member of the United States Uniformed Services pursuant to military orders, and has complied with the continuing legal education requirements prescribed for active members of the State Bar of Nevada.

**2. Disclosures.** Attorneys certified to practice under Rule 49.1 are subject to the disclosure requirements set forth in Rule 78.5, Rule 79, Nevada Rule of Professional Conduct 6.1, NRS 7.034, and NRS 425.520.

**3. Annual certification fee.** Annual certification fees cover the calendar year and become due on January 1 of each year; the fees shall be payable by those already-certified attorneys under Rule 49.1(1)(a) and (d)-(i) on or before March 1 in each year. The annual certification fee is equivalent to the annual membership dues paid by active members of the State Bar of Nevada of comparable longevity. On March 2 of each year a penalty shall attach to all delinquent certification fees in the same amount as the penalty for active members.

**4. Suspension for failure to renew or pay fees.** An attorney certified by the state bar under Rule 49.1 who fails to properly renew the certification or pay the renewal fees, if applicable, shall be suspended from practicing law upon 30 days' written notice to the attorney and, if applicable, to the entity employing that attorney. The procedure for the suspension and

reinstatement of those certified under Rule 49.1 is the same as that followed for active members of the State Bar of Nevada.

**Rule 49.5. Repealed.**

**Rule 49.6. Repealed.**

**Rule 49.8. Repealed.**

**Rule 49.9. Repealed.**

**Rule 49.10 Repealed.**

**Rule 49.11. Repealed.**

**Rule 49.12. Repealed.**

**Rule 49.13. Repealed.**

**Rule 51. Qualifications of applicants for admission.**

1. An applicant for a license to practice as an attorney and counselor at law in this state shall not be admitted to practice law in this state unless such applicant:

(a) Has attained the age of majority.

(b) Is present or is available to be present within the State of Nevada, and is able to remain so until examined as required by Rule 65, so as to permit and facilitate the examination, investigations, interviews and hearings



necessary to determine the applicant's morals, character, qualifications and fitness to practice law.

(c) Has received a juris doctorate degree, or an equivalent law degree, from a law school approved by the American Bar Association, and presents evidence of the same.

(d) Demonstrates that the applicant is of good moral character and is willing and able to abide by the high ethical standards required of attorneys and counselors at law.

(e) Has not been refused admission to practice law in any state or before any court or governmental agency of the United States on the ground of unfitness of character.

(f) Has not been disbarred from the practice of law in any state or before any court or governmental agency of the United States.

(g) Has not exhibited any past or present conduct or behavior that could call into question the applicant's ability to practice law in a competent, ethical, and professional manner or that would render the applicant unfit to practice law.

(h) Is not an abuser of alcohol or prescription drugs, or a user of illegal drugs.

(i) Demonstrates financial responsibility.

(j) Is in full compliance with any court order, including without limitation, spousal or child support orders.

(k) Achieves a passing score on the state bar examination.

2. No applicant for a license to practice as an attorney and counselor at law in this state may take the bar examination unless the applicant satisfies (1)(a), (1)(c), and (1)(f) above, and such application may be summarily denied if these requirements are not met. Such applicant shall be permitted to reapply

to take the bar examination when the conditions in (1)(a), (1)(c), and (1)(f) have been satisfied and the applicant complies with other applicable requirements.

**Rule 53. Fingerprinting of applicants.**

An applicant for a license to practice as an attorney and counselor at law in this state or for limited practice certification pursuant to SCR 49.1 shall, as part of the application, be fingerprinted in accordance with the procedures set forth and forms provided by the state bar.

**Rule 72.1. Repealed.**

**Rule 72.3. Repealed.**

**Rule 72.5. Repealed.**

**Rule 77. Membership in state bar required; exceptions.** No person may practice law as an officer of the courts in this state who is not an active member of the state bar, unless authorized to practice subject to SCR 42 and 43 or certified to practice under SCR 49.1(1)(a)-(g) and (i).

**Rule 78. Maintenance of trust funds in approved financial institutions; overdraft notification.**

**1. Clearly identified trust accounts in approved financial institutions required.**

(a) Active members of the State Bar of Nevada and attorneys certified to practice under SCR 49.1 shall deposit all funds held in trust in this jurisdiction in accordance with SCR 217 into accounts clearly identified as



"trust" or "escrow" accounts, referred to herein as "trust accounts," and shall take all steps necessary to inform the depository institution of the purpose and identity of the accounts. Funds held in trust include funds held in any fiduciary capacity in connection with a representation, whether as trustee, agent, guardian, executor, or otherwise. Lawyer trust accounts shall be maintained only in financial institutions approved by the state bar.

(b) Every lawyer engaged in the practice of law in the State of Nevada shall maintain and preserve for a period of at least five years, after final disposition of the underlying matter, the records of the accounts, including checkbooks, canceled checks, check stubs, vouchers, ledgers, journals, closing statements, accountings, or other statements of disbursements rendered to clients or other parties with regard to trust funds, or similar equivalent records clearly and expressly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries, and disbursements of the funds or other property of a client, and make such records available to the state bar for inspection upon request.

**2. Overdraft notification agreement required.** A financial institution shall be approved as a depository for lawyer trust accounts if it files with the state bar an agreement, in a form provided by the state bar, to report to the state bar counsel whenever any properly payable instrument is presented against a lawyer trust account containing insufficient funds, irrespective of whether or not the instrument is honored. The state bar shall establish rules governing approval and termination of approved status for financial institutions. No trust account shall be maintained in any financial institution that does not agree to so report. Any such agreement shall apply to all branches of the financial institution and shall not be canceled except upon 30 days' notice in writing to the state bar.

**3. Overdraft reports.** The overdraft notification agreement shall provide that all reports made by the financial institution shall be in the following format:

(a) In the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor, and should include a copy of the dishonored instrument, if such a copy is normally provided to depositors;

(b) In the case of instruments that are presented against insufficient funds but which instruments are honored, the report shall identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment, and the date paid, as well as the amount of overdraft created thereby.

**4. Timing of reports.** A report of a dishonored instrument made to the state bar counsel under paragraph 3 shall be made simultaneously with a notice of dishonor given to the depositor, and within the time provided by law for notice of dishonor, if any. If an instrument presented against insufficient funds is honored, then the report shall be made within five banking days of the date of presentation for payment against insufficient funds.

**5. Consent by lawyers.** Every active member of the state bar and certified attorney under SCR 49.1 shall, as a condition of maintaining active membership in the state bar or a limited practice certification, be conclusively deemed to have consented to the reporting and production requirements mandated by this rule.

(a) Every active member and certified attorney under SCR 49.1 shall certify compliance with this rule and shall immediately file with the state bar an updated certificate of compliance and consent upon:

(1) any change of law firm affiliation;



(2) opening of any trust account with a financial institution; or

(3) the utilization of any trust account for which there is no certification and consent on file with the state bar for said attorney.

**6. Costs.** Nothing herein shall preclude a financial institution from charging a particular lawyer or law firm for the reasonable costs of producing the reports and records required by this rule.

**7. Financial institution immunity.** A financial institution shall not be liable for damages to any person or entity for any erroneous overdraft report filed in good faith or for the unintentional failure to comply with this rule.

**8. Definitions.** For purposes of this rule:

(a) "Financial institution" includes a bank, credit union, savings and loan association, or other business approved by the state bar that is located in this state and accepts for deposit funds held in trust by lawyers.

(b) "Properly payable" refers to an instrument that, if presented in the normal course of business, is in a form requiring payment under the laws of this jurisdiction.

**9. Suspension for non-compliance.** All active members and attorneys certified to practice under SCR 49.1 shall meet the certification and consent requirements of this rule within 30 days of admission or certification. The state bar shall notify in writing all attorneys who fail to meet the requirements of this rule of their non-compliance. Upon expiration of 30 days from the date the state bar sends the notice of non-compliance, the attorney shall be suspended from practice, but may be reinstated upon filing the certificate of compliance and consent with the state bar.

**Rule 78.5. Repealed.**

**Rule 79. Disclosures by members of the bar.**

1. Every member of the state bar, including both active and inactive members regardless of residency in Nevada, as well as attorneys certified to practice under SCR 49.1, shall provide to the state bar, for the purposes of state bar communications, the following:

- (a) A permanent mailing address;
- (b) A permanent telephone number; and
- (c) A current email address.

2. Every member of the state bar and attorneys certified to practice under SCR 49.1 shall disclose to the state bar the following information:

- (a) Whether the lawyer is engaged in the private practice of law;
- (b) Whether the lawyer is engaged as a full-time government lawyer or judge, or is employed by an organizational client and does not represent clients outside that capacity, or is not currently representing clients; and
- (c) If engaged in the private practice of law, whether the lawyer maintains professional liability insurance, and if the lawyer maintains a policy, the name and address of the carrier.

3. Every member of the state bar and attorneys certified to practice under SCR 49.1 shall inform the state bar of any change in any of the information disclosed under this rule within 30 days after any such change. The member or certified attorney shall report a change of address, telephone number, or email address online.

4. Every member of the state bar and attorneys certified to practice under SCR 49.1 shall certify annually on a form provided by the state bar the information required under this rule.



5. The information submitted under this rule shall be nonconfidential, but upon request of a member or attorney certified to practice under SCR 49.1, the state bar will not publicly disclose the email address.

6. Any member or attorney certified to practice under SCR 49.1 who fails to provide the state bar with the information required by this rule shall be subject to a fine of \$150 and/or suspension upon order of the board of governors and/or the supreme court from membership in, or certification by, the state bar until compliance with the requirements of this rule and/or until reinstatement is ordered by the supreme court. A member, or certified attorney pursuant to SCR 49.1, may apply for a one-year hardship exemption from the email provision on a form provided by the state bar. Supplying false information in response to the requirements of this rule shall subject the lawyer to appropriate disciplinary action.

7. The state bar shall provide the board of continuing legal education with an annual roster of state bar members and attorneys certified under SCR 49.1 within 60 days of the due date for annual membership and certification fees and registration forms.