

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF SUPREME COURT RULE 49.5

ADKT 0611

FILED

JUL 27 2023

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

PETITION

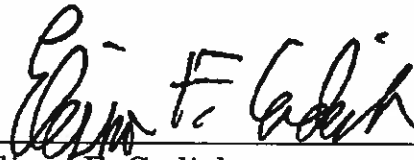
Elissa F. Cadish, Associate Chief Justice of the Nevada Supreme Court and Co-Chair of the Access to Justice Commission, petitions the Nevada Supreme Court on its administrative docket to adopt Supreme Court Rule (SCR) 49.5 to allow limited practice of law under the supervision of organized legal services programs by law school graduates who have not yet passed the Nevada bar examination for a limited time while attempting to pass the bar examination. The proposed rule was approved by the Access to Justice Commission for consideration by the Supreme Court.

Providing access to legal assistance to indigent Nevada citizens is of vital importance to the health and development of this state. Legal aid providers struggle to hire candidates in the highly competitive and well-paid Nevada market. There are far more Nevadans who need legal assistance than can be adequately served. Virtually any person with a legal matter can benefit from the assistance of someone with a formal education rather than dealing with the matter alone. Adopting proposed SCR 49.5 will increase access to justice by building a pipeline for legal aid providers so those desiring to pursue a career in public interest law may financially pursue those interests.

23-24120

Accordingly, petitioner requests that the Nevada Supreme Court place this matter on its administrative docket, hold such hearings as it deems necessary and consider the proposed adoption of SCR 49.5 as set forth in Exhibit A. Also for this Court's consideration is an application for certification of limited licensure for supervised legal practice in accordance with proposed SCR 49.5 as set forth in Exhibit B.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elissa F. Cadish", written over a horizontal line.

Elissa F. Cadish
Associate Chief Justice

EXHIBIT A

ADOPTION OF SUPREME COURT RULE 49.5

Rule 49.5. Limited practice for Supervised Legal Practitioners.

1. **Eligibility.** Application for limited practice for law school graduates 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, 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 Nevada for any reason except for failing to attain a passing score on any examination;

(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) If the supervised legal practitioner does not pass the Nevada bar examination after having made two (2) attempts.

(2) Eighteen (18) months after the supervised legal practitioner has graduated from law school.

(3) If the supervised legal practitioner leaves the employ of 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, except for employment with a different organized legal services program as described herein.

4. Supervision. A “supervising lawyer” shall mean either a member of the state bar in active practice employed by 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. 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)(1) or (2) above.

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. The supervised legal practitioner shall announce their appearance as a supervised legal practitioner at the beginning of any hearing or proceeding.

(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 legal services organization 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 a nonprofit organization rendering legal aid to indigent persons from compensating the supervised legal practitioner for his or her services and from applying to the court for attorney's fees 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.

EXHIBIT B

STATE BAR OF NEVADA
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada 89102

IN THE MATTER OF THE APPLICATION
FOR LIMITED LICENSURE OF

AS A SUPERVISED LEGAL PRACTITIONER.

APPLICATION FOR CERTIFICATION OF LIMITED LICENSURE FOR SUPERVISED
LEGAL PRACTICE IN ACCORDANCE WITH SUPREME COURT RULE 49.5

I hereby apply for limited licensure in accordance with Supreme Court Rule 49.5 and certify as follows:

1. My full name is: _____.
2. My present address is: _____.
3. Pursuant to Supreme Court Rule 49.5, I certify that I have graduated from _____, a law school approved by the ABA and have received a juris doctorate degree or equivalent law degree. I graduated on _____.
4. I intend to become a member of the Nevada bar.
5. I applied to take the Nevada bar examination in _____ and my application was submitted on _____.
6. I have not been denied admission to the practice of law in Nevada for any reason except for failing to attain a passing score on the examination.
7. I am not currently subject to discipline for academic dishonesty or the subject of a pending disciplinary matter in any jurisdiction.
8. I have read and am familiar with the Model Rules of Professional Conduct of the American Bar Association and the Rules of Professional Conduct of the Supreme Court of Nevada. I will abide by the same in the activities permitted by Supreme Court Rule 49.5.
9. I hereby irrevocably consent to be subject to all disciplinary processes of the State Bar of Nevada including but not limited to the imposition of fines by Disciplinary Boards, the Board of Governors of the State Bar of Nevada or by the Nevada Supreme Court and consent

that any offense which would subject an attorney to suspension or disbarment may be punished by suspension or forfeiture of my privilege of taking the Bar Examination or being licensed to practice law in the State of Nevada.

10. I am employed by _____, and my activities will be supervised by _____.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Date: _____

Signature

Printed Name

STATE BAR OF NEVADA
3100 W. Charleston Blvd., Ste. 100
Las Vegas, Nevada 89102

IN THE MATTER OF THE APPLICATION
FOR LIMITED LICENSURE OF

_____,

AS A SUPERVISED LEGAL PRACTITIONER.

DECLARATION OF SUPERVISING LAWYER PURSUANT TO
SUPREME COURT RULE 49.5

I hereby certify as follows:

1. I am an active resident member of the State Bar of Nevada and have been actively practicing law in Nevada as a full-time occupation for at least five (5) years.

2. I am employed by _____, 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.

3. I will supervise the activities of _____ pursuant to Rule 49.5. I do not currently supervise more than 1 other supervised legal practitioner. _____ is a full-time employee or associated full time in an employment capacity with the organization.

4. I assume professional responsibility for any work undertaken by said supervised legal practitioner.

5. I will assist and counsel the supervised legal practitioner and review the activities of the supervised legal practitioner to the extent required under the Rule and for the protection of the client.

6. I have read and am familiar with the provisions of Rule 49.5 and will fully comply with said Rule.

7. I will promptly notify the State Bar of Nevada in writing whenever my supervision of the supervised legal practitioner terminates unless terminated automatically because the supervised legal practitioner has passed the Nevada bar examination, fails the examination a second time, or 18 months has passed from the date of graduation.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED: _____

Supervising Lawyer

Employer

Employer Address

City, State, Zip

Bar Number