

**EXHIBIT B**  
**NEW RULES 42, 189, AND 199 OF THE**  
**SUPREME COURT RULES**

**Rule 42. Practice of attorneys not admitted in Nevada.**

**1. Application of rule.**

(a) This rule applies to:

(1) All actions or proceedings pending before a court in this state;

(2) All actions or proceedings pending before an administrative agency or governmental body in this state, unless that agency or governmental body provides otherwise;

(3) All arbitration, mediation, or alternative dispute resolution procedures in this state that are court annexed or court ordered, or that are mandated by statute or administrative rule; and

(4) All services incident to any of these proceedings including, but not limited to, discovery and settlement negotiations.

(b) This rule does not apply to arbitration, mediation, or alternative dispute resolution procedures in which the parties engage voluntarily or by private agreement.

**2. Who may apply.** A lawyer who has been retained to represent a client in this state in an action or proceeding set forth in subsection 1(a) of this rule may file a written application to appear as counsel in that action or proceeding if the following conditions are met:

(a) The lawyer is not a member of the State Bar of Nevada;

(b) The lawyer is not a resident of the State of Nevada;

- (c) The lawyer is not regularly employed in the State of Nevada;
- (d) The lawyer is not engaged in substantial business, professional, or other activities in the State of Nevada;
- (e) The lawyer is a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (f) The lawyer associates an active member in good standing of the State Bar of Nevada as counsel of record in the action or proceeding.

3. **Procedure for applying.** A lawyer who meets the requirements of subsection 2 of this rule may appear in an action or proceeding subject to this rule only upon the approval of the court, arbitrator, mediator, or administrative or governmental hearing officer where the action or proceeding is pending. The following procedure must be used:

(a) **Verified application.** The lawyer must file with the State Bar of Nevada at its Las Vegas, Nevada, office:

- (1) An original and one (1) copy of a verified application as provided in subsection 4 of this rule;
- (2) A certificate from the state bar or from the clerk of the supreme court or highest admitting court of each state, territory, or insular possession of the United States in which the applicant has been admitted to practice law certifying the applicant's membership therein; and
- (3) A non-refundable application fee of \$350.00, or an application for waiver of fees as provided in subsection 3(e) of this rule.

(b) **State bar statement.** Upon receipt of the verified application, certificate(s) of good standing, and fee or application for waiver of fees as described in subsection 3(a) of this rule, the State Bar of Nevada shall:

- (1) Serve upon the Nevada counsel associated with the applicant, a statement which states:

(i) Whether the applicant or other attorney members of the firm with which the applicant is associated has previously made any application or motion under this rule within the preceding three (3) years;

(ii) The date of any such application or motion; and

(iii) Whether the application was granted or denied.

(2) Include as exhibits attached to the statement:

(i) The original verified application;

(ii) The original certificate(s) of good standing;

(iii) A form motion to associate counsel; and

(iv) A form order granting or denying such motion.

(3) Retain copies of verified applications and certificate(s) of good standing for three (3) years.

(c) **Motion to associate.**

(1) The Nevada lawyer associated with the applicant shall file the motion to associate with the court, arbitrator, mediator, or administrative or governmental hearing officer where the proceeding is pending. The motion shall include proof of service of a copy of the motion on all parties in accordance with the Nevada Rules of Civil Procedure.

(2) The motion to associate shall include the following exhibits:

(i) The original verified application;

(ii) The original certificate(s) of good standing; and

(iii) The state bar statement.

(3) The motion to associate shall be accompanied by a proposed order granting or denying the motion to associate.

(4) Nevada counsel of record associated with the applicant shall serve a copy of any order granting or denying a motion to associate on the State Bar of Nevada at its Las Vegas, Nevada, office.

(d) **Appearance and consent of Nevada counsel.** Before a motion to associate counsel is granted, the active member of the State Bar of Nevada who will be associated with the applicant must appear as attorney of record in the particular cause and consent in writing to the association.

(e) **Limited exception to original and annual fee.** Upon a showing that the applicant is providing pro bono services in a death penalty habeas corpus case or in other similar circumstances providing for pro bono representation, the court, arbitrator, mediator, or administrative or governmental agency may waive the original fee required by subsection 3(a) of this rule and the annual renewal fee required by subsection 9 of this rule. An applicant may obtain an application for waiver of these fees from the State Bar of Nevada and shall file the completed waiver application with the original verified application seeking admission under this rule.

4. **Verified application.** The verified application required by this rule shall be on a form approved by the State Bar of Nevada. The approved application forms shall be available at the county clerk's office of the court, arbitrator, mediator, or administrative or governmental agency where the action is pending. The application shall state:

- (a) The applicant's residence and office address;
- (b) The court or courts to which the applicant has been admitted to practice and the date of such admission;
- (c) That the applicant is a member in good standing of such court or courts;
- (d) That the applicant is not currently suspended or disbarred in any court;
- (e) Whether the applicant is currently subject to any disciplinary proceedings by any organization with authority to discipline attorneys at law;

(f) Whether the applicant has ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law;

(g) The title of the court and cause, including arbitrations, mediations, or matters before an administrative agency or governmental body, in which the applicant or any member of the firm of attorneys with which the applicant is associated has filed an application to appear as counsel under this rule in the preceding three (3) years, the date of each application, and whether it was granted;

(h) The name, address, and telephone number of the active member of the State Bar of Nevada who is the attorney of record;

(i) The name of each party and the name and address of counsel of record who appeared for that party;

(j) That the applicant certifies that he or she shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada;

(k) That the applicant understands and shall comply with the standards of professional conduct required of members of the State Bar of Nevada; and

(l) That the applicant has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

**5. Appearances by out-of-state counsel.** An applicant shall not appear in a proceeding subject to this rule until the court, arbitrator, mediator, or administrative or governmental agency where the action is pending enters an order granting the motion to associate.

6. **Discretion.** The granting or denial of a motion to associate counsel under this rule is discretionary. The court, arbitrator, mediator, or administrative or governmental hearing officer may revoke the authority of the person permitted to appear as counsel under this rule to make continued appearances under this rule. Absent special circumstances, repeated appearances by any person or firm of attorneys under this rule shall be cause for denial of the motion to associate such person.

(a) **Limitations.** It shall be presumed, absent special circumstances, and only upon a showing of good cause, that more than five (5) appearances by any person or firm of attorneys granted under this rule in a three (3)-year period is excessive use of this rule.

(b) **Burden on applicant.** The applicant shall have the burden to establish special circumstances and good cause for an appearance in excess of the limitations set forth in subsection 6(a) of this rule. The applicant shall set forth the special circumstances and good cause in an affidavit attached to the original verified application.

7. **Transfer.** Once a motion to associate under this rule has been granted, the attorney shall be deemed admitted in the event venue in the action is transferred to another district court or in the event such action is appealed; provided, however, that the court having jurisdiction over such transferred or appealed cause may revoke the attorney's authority to appear.

8. **Supreme court.** Appearance before the Supreme Court of Nevada in the first instance shall be by motion as provided in subsection 3 of this rule. If the motion is opposed, there may be a hearing; otherwise, the supreme court shall consider the matter without a hearing.

9. **Renewal of application.** On or before the anniversary date of the filing of the verified application with the State Bar of Nevada:

(a) The Nevada counsel of record must certify to the State Bar of Nevada that:

(1) The out-of-state counsel continues to act as counsel in the cause; or

(2) The cause has been finally adjudicated.

(b) In the event that out-of-state counsel continues to act as counsel in the cause, out-of-state counsel shall remit to the State Bar of Nevada an annual fee of \$350.00 within thirty (30) days of the anniversary date.

**10. Failure to renew.**

(a) Any out-of-state counsel who continues to act as counsel in a proceeding subject to this rule and fails to pay the renewal fees set forth in subsection 9 of this rule shall be suspended from appearing in any proceeding subject to this rule upon expiration of a period of thirty (30) days after the anniversary date.

(b) The executive director of the State Bar of Nevada shall notify the out-of-state counsel and the Nevada counsel of record of the suspension and shall file a certified copy of the notice with the court, arbitrator, mediator, or administrative agency or governmental body where the proceeding is filed, with the county clerk of each county, and with the clerk of the Supreme Court of Nevada.

**11. Reinstatement.**

(a) The out-of-state counsel may be reinstated upon the payment of the fees set forth in subsection 9 of this rule and a late penalty of \$50.00.

(b) Upon payment of all accrued fees and the late penalty, the executive director may reinstate the out-of-state counsel, and shall thereupon certify such reinstatement to the court, arbitrator, mediator, or administrative agency or governmental body where the proceeding is filed,

with the county clerk of each county, and with the clerk of the Supreme Court of Nevada.

**12. Reporting by the state bar.**

(a) The State Bar of Nevada shall prepare an annual report listing:

(1) All applications filed under this rule during the preceding twelve (12) months;

(2) The names of all applicants; and

(3) Whether the motions to associate were granted or denied.

(b) The annual report shall be kept on file at the State Bar of Nevada and be available for review by each county clerk, court clerk, district judge, the clerk of the Supreme Court of Nevada, and by such other persons as directed by the board of governors.

**13. Discipline of out-of-state counsel.**

(a) Out-of-state counsel appearing under this rule shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada. Counsel shall become familiar and comply with the standards of professional conduct required of members of the State Bar of Nevada and shall be subject to the disciplinary jurisdiction of the State Bar of Nevada.

(b) The rules of the Supreme Court of Nevada shall govern in any investigation or proceeding conducted by the State Bar of Nevada under this rule.

**14. Responsibilities of Nevada attorney of record.**

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.



(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

15. **Rule provides exclusive procedure.** Except as provided in this rule, an attorney admitted to practice in another jurisdiction shall not be admitted to practice law in the State of Nevada by motion or on the basis of reciprocity. Attorney applicants must make application for admission and be examined in accordance with Rules 49 to 75, inclusive, in the same manner as all other applicants.

**Rule 189. Unauthorized practice of law.**

1. **General rule.** A lawyer shall not:

(a) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or

(b) Assist another person in the unauthorized practice of law.

2. **Exceptions.** A lawyer who is not admitted in this jurisdiction, but who is admitted and in good standing in another jurisdiction of the United States, does not engage in the unauthorized practice of law in this jurisdiction when:

(a) The lawyer is authorized to appear before a tribunal in this jurisdiction by law or order of the tribunal or is preparing for a proceeding in which the lawyer reasonably expects to be so authorized;

(b) The lawyer participates in this jurisdiction in investigation and discovery incident to litigation that is pending or anticipated to be instituted in a jurisdiction in which the lawyer is admitted to practice;

(c) The lawyer is an employee of a client and is acting on behalf of the client or, in connection with the client's matters, on behalf of the client's other employees, or its commonly owned organizational affiliates in matters related to the business of the employer, provided that the lawyer is acting in this jurisdiction on an occasional basis and not as a regular or repetitive course of business in this jurisdiction;

(d) The lawyer is acting with respect to a matter that is incident to work being performed in a jurisdiction in which the lawyer is admitted, provided that the lawyer is acting in this jurisdiction on an occasional basis and not as a regular or repetitive course of business in this jurisdiction;

(e) The lawyer is engaged in the occasional representation of a client in association with a lawyer who is admitted in this jurisdiction and who has

actual responsibility for the representation and actively participates in the representation, provided that the out-of-state lawyer's representation of the client is not part of a regular or repetitive course of practice in this jurisdiction;

(f) The lawyer is representing a client, on an occasional basis and not as part of a regular or repetitive course of practice in this jurisdiction, in areas governed primarily by federal law, international law, or the law of a foreign nation; or

(g) The lawyer is acting as an arbitrator, mediator, or impartial third party in an alternative dispute resolution proceeding.

3. **Interaction with Rule 42.** Notwithstanding the provisions of subsection 2 of this rule, a lawyer who is not admitted to practice in this jurisdiction shall not represent a client in this state in an action or proceeding governed by Rule 42 unless the lawyer has been authorized to appear under Rule 42 or reasonably expects to be so authorized.

4. **Limitations.**

(a) No lawyer is authorized to provide legal services under this rule if the lawyer:

(1) Is an inactive or suspended member of the State Bar of Nevada, or has been disbarred or has received a disciplinary resignation from the State Bar of Nevada; or

(2) Has previously been disciplined or held in contempt by reason of misconduct committed while engaged in the practice of law permitted under this rule.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) Establish an office or other regular presence in this jurisdiction for the practice of law;
- (2) Solicit clients in this jurisdiction; or
- (3) Represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction.

5. **Conduct and discipline.** A lawyer admitted to practice in another jurisdiction of the United States who acts in this jurisdiction pursuant to subsection 2 of this rule shall be subject to the Nevada Rules of Professional Conduct and the disciplinary jurisdiction of the Supreme Court of Nevada and the State Bar of Nevada as provided in Rule 99.

**Rule 199. Firm names and letterhead.**

1. A lawyer shall not use a firm name, letterhead, or other professional designation that violates Rule 195. The firm name shall contain the names of one or more living, retired, or deceased members of the law firm. No trade names shall be used other than those utilized by non-profit legal services organizations; however, phrases such as "the law offices of" or "and associates" shall be permissible.

2. A law firm with offices in more than one jurisdiction which has registered with the State Bar of Nevada under Rule 199.1 may use the same name in each jurisdiction. Identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations of those not licensed to practice in the jurisdiction where the office is located.

3. The name of a lawyer holding public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm. This provision does not apply to a lawyer who takes a brief hiatus from practice to serve as an elected member of the Nevada State Legislature when the legislature is in session.

4. Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.