

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AN
AMENDMENT TO SUPREME COURT
RULE 212 AND AN AMENDMENT TO
RULE 215 REGARDING THE
IMPOSITION OF A FEE FOR
PROCESSING A CONSENT FOR
DISMISSAL.

ADKT No. 366

FILED

APR 28 2004

JANETTE M. LUCOM
CLERK OF SUPREME COURT
BY *J. Ribick*
CHIEF DEPUTY CLERK

ORDER AMENDING RULES 212 AND 215
OF THE SUPREME COURT RULES

WHEREAS, the Board of Continuing Legal Education has petitioned this court to amend the Supreme Court Rules by adding an additional \$60 late fee when the Board must give a member of the state bar a second notice of noncompliance with the CLE rules and to clarify that all late fees must be paid in addition to the \$100 fee for a consent to dismiss a petition filed with the Nevada Supreme Court; and

WHEREAS, the Board of Continuing Legal Education represents that the additional late fee is necessary to offset the cost of sending out the second written notice of noncompliance; and

WHEREAS, it appears to this court that amendment of the Supreme Court Rules is warranted, accordingly,

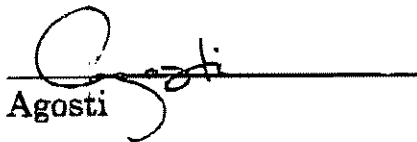
IT IS HEREBY ORDERED that Rule 212 of the Supreme Court Rules shall be amended and shall read as set forth in Exhibit A and that Rule 215 of the Supreme Court Rules shall be amended and shall read as set forth in Exhibit B.

IT IS FURTHER ORDERED that the amended rules shall be effective immediately and shall apply to any notices issued after the date of this order. The clerk of this court shall cause a notice of entry of this

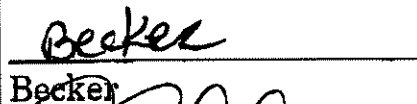
order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive 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 amended rules.


DATED this 28th day of April, 2004.



 _____, C.J.
 Shearing



 _____, J.
 Agosti


 _____, J.
 Rose


 _____, J.
 Becker


 _____, J.
 Maupin


 _____, J.
 Gibbons


 _____, J.
 Douglas

cc: Daniel F. Polsenberg, Chair, Board of Continuing Legal Education
 Toni Sarocka, Executive Director,
 Board of Continuing Legal Education

EXHIBIT A
AMENDMENT TO RULE 212
OF THE SUPREME COURT RULES

Rule 212. Procedure in event of noncompliance.

1. If an active member fails to file the report required under Rule 211, or the report filed by the member reveals that the member has not met the minimum requirements of continuing legal education set forth in Rule 210, the procedure set forth in subsections 2 to 5, inclusive, must be followed.

2. The board shall, on or before April 1, give written notice of noncompliance to the member, by certified or registered mail, at the member's last known address as shown on the roll of membership of the state bar. The notice of noncompliance must contain:

(a) A statement of the manner in which the member has failed, or appears to have failed, to comply with Rule 210 or Rule 211 or both;

(b) A notice that the member must file with the board a report on or before June 1 of the year in which the notice is given, showing that the member has cured the failure specified, accompanied by a late fee of \$30 made payable to the board; and

(c) A notice of the consequences provided in subsections 5 and 6.

3. At any time prior to 5 p.m. on the first Monday in June, of the year in which compliance is required, the member may request a hearing before the board. The request must be filed with the board in writing. The request shall be verified and must specify:

(a) That the member has in fact complied with Rules 210 and 211; or

(b) That the member is entitled to an exemption under Rule 214, and the nature of the exemption to which the member is entitled.

4. Within 30 days after receipt by the board of the request, the board, or a panel designated by the chairman of the board consisting of no less than three of its members, shall hold a hearing. The judicial member of the board shall sit on any hearing panel convened as a result of such a request by any member of the judiciary. At this hearing, the member has the burden to show by a preponderance of the evidence cause why the member's status should not be changed from active to inactive. Within 30 days after the date of the hearing, the board shall make its findings of fact and conclusions of law, as well as proposed orders or recommendations pursuant to such findings and conclusions. If the board finds and concludes that the status of the member should be changed from active to inactive, the member may, within 30 days after service of such findings and conclusions by the board upon the member by mail, request the court to review the factual and legal sufficiency of the findings and conclusions. This request must be made by filing a verified petition for review with the clerk of the court, and service of the petition upon the board. The court, after its review, may change the status of the member from active to inactive, make such a change of status conditional as the court deems appropriate, or determine that no change of status is warranted.

5. If the member fails to comply as required in the notice within the time specified in the notice, or the member fails to file a report of compliance, or the member fails to pay the fee required concurrently with the filing of the report of compliance, and the member does not request a hearing pursuant to subsection 3, the board may, on notice to the member, move the court to place the member on inactive status. If the board gives notice to the member under this subsection, a penalty of \$60 payable to the board shall be added to the \$30 late fee imposed by subsection 2(b).

6. A member whose status is changed from active to inactive pursuant to these Rules is not entitled to engage in the practice of law in the State of Nevada until such time as the member is reinstated to the status of an active member.

EXHIBIT B
AMENDMENT TO RULE 215
OF THE SUPREME COURT RULES

Rule 215. Petitions for relief. Petitions for relief under these Rules shall conform, so far as practicable, to the procedure prescribed in N.R.A.P. 21. Should a member of the bar and the board consent to the dismissal of any petition to the court, the member shall pay to the board, in addition to any fees owed to the court and any fees owed to the board under Rule 212, a fee of \$100 to process a consent for the applicable year.