



**2012
POLICIES &
PROCEDURES**

for applicants seeking admission to the State Bar of Nevada

I. BOARD OF BAR EXAMINERS

1. *Qualifications.* A bar examiner should be a person with scholarly attainments and an affirmative interest in legal education and requirements for admission to the bar. A bar examiner should be willing and able to devote whatever time is necessary to perform the duties of the office. A bar examiner should be conscientious, studious, thorough and diligent in learning the methods, problems and progress of legal education, in preparing bar examinations, and in seeking to improve the examination, its administration and requirements for admission to the bar. A bar examiner should be just and impartial in recommending the admission or denial of applicants. A bar examiner should exhibit conviction, judgment and moral stamina in refusing to recommend applicants who lack adequate general and professional preparation or who lack moral character and fitness.

2. *Composition.* In accordance with SCR 49(2), the Board of Bar Examiners is comprised of fourteen members and the immediate past chair as an ex officio member. A majority of the members are appointed by the Supreme Court (“Court”), and a minority of the members by the Board of Governors. The Chair is appointed by the Court.

In addition to the members of the Board, board members may hire as many qualified graders as the Chair deems necessary to assist the Board in the writing and grading of the essay examination. Said graders are to be paid in accordance with a schedule set by the Chair and approved by the Board of Governors.

The Board also maintains two sub-committees - the Committee on Moral Character and Fitness and the Functional Equivalency Committee.

A. *The Committee on Moral Character and Fitness (“C&F Committee”).* The C&F Committee was originally created by court order dated September 29, 1993, as a sub-committee of the Board, and was formally codified in SCR 49(3) in November 1996. The Committee is composed of nine members who are active members of the State Bar of Nevada as well as up to four lay members who are professionals with expertise in fields that are germane to the determination of the character and fitness issues presented to the C&F Committee. Five attorney members are appointed by the Court, and four attorney members by the Board of Governors. The lay members are appointed by the Board of Governors. The Chair is selected by the Court from the attorney members.

B. *The Committee on Functional Equivalency (“Equivalency Committee”).* Also by court order filed September 29, 1993, the Court created the Equivalency Committee, a second sub-committee of the Board, also formally codified in SCR 49(3), now SCR 49(4), in November 1996. The Committee is composed of seven members who are active members of the State Bar of Nevada. Four of the members are appointed by the Court, and three members are appointed by the Board of Governors. The Chair is selected by the Court from the appointed members.

3. *Tenure.* Members of the Board and its sub-committees are appointed for a fixed term of three years. The immediate past chair of the Board of Bar Examiners serves as an ex officio member of the board for one year following expiration of his or her tenure as chair. There is no limit on the number of terms an attorney may serve on the Board of Bar Examiners or one of its subcommittees. Graders hired by the Board are to be appointed for a period of time not to exceed the term of the board member to whom the grader is assigned. Members are appointed for staggered terms to ensure continuity of policy, but with sufficient rotation in the personnel of the Board and its subcommittees to bring new views and to ensure continuing interest in their work.

4. *Responsibilities and Powers of the Board.* The Board has all those powers and duties delegated in the Nevada Supreme Court Rules to the Board of Bar Examiners relating to the application, screening and testing procedures for all persons seeking admission to the bar.

A. *The C&F Committee.* The C&F Committee has all those powers and duties delegated in the Nevada Supreme Court Rules to the Board of Bar Examiners relating to the conduct of investigations and hearings, and the submission of reports and recommendations to the Court respecting those applicants seeking admission to the bar.

B. *The Equivalency Committee.* The Equivalency Committee has all those powers and duties delegated under the Nevada Supreme Court Rules to the Board of Bar Examiners relating to the conduct of investigations and hearings, and the submission of reports and recommendations to the Board of Bar Examiners and the Court respecting those prospective applicants seeking certification pursuant to SCR 51.5.

5. *Conflicts of Interest.* A member of the Board or one of its sub-committees should not have adverse interests, conflicting duties or inconsistent obligations that will in any way interfere or appear to interfere with the proper administration of the examiner's functions. A member should not participate directly or indirectly in courses for the preparation of applicants for bar admission. The conduct of a member should be such that there may be no question that the member's judgment may be swayed by improper considerations. Members of the Board are precluded from simultaneously serving on the Board and on the Board of Governors.

II. ELIGIBILITY OF APPLICANTS

6. *Burden of Proof.* The burden of establishing eligibility to take the bar examination is on the applicant in all instances and in all proceedings before the Board, its sub-committees or the Court.

7. *College Education.* Unless otherwise ordered by the Court, each applicant is required to have successfully completed at least three-fourths of the work acceptable for a baccalaureate degree at an accredited college or university before beginning the study of law.

8. *Law School Education.* In accordance with SCR 51(c), each applicant is required to have completed all requirements for graduation with a J.D. or LL.B. degree from a law school approved by the American Bar Association. Neither private study, correspondence study or law office training, nor age or experience may be substituted for law school education. However, a prospective applicant who fails to meet the law school accreditation requirements of SCR 51(c), but who meet the requirements set forth in SCR 51.5, may be permitted to petition the Functional Equivalency Committee for certification in accordance with the procedures set forth in SCR 51.5 and the policies and procedures of the Functional Equivalency Committee. Such certification must be obtained prior to applying for admission to the State Bar of Nevada. Applications for admission submitted without prior certification shall immediately be rejected, and the application fee shall not be refunded.

III. APPLICATION PROCEDURES

9. *Application Packages.* Application packages are available for the July exam after December 15 of the year immediately preceding the exam. Application packages are available for the February exam after August 15 of the year immediately preceding the exam. Applicants are required to submit a written request which must be accompanied by a \$50.00 application package fee. Application packages from prior examinations may not be utilized. Application forms submitted from previous administrations of the examination shall be rejected in accordance with SCR 52(1)(a). Resubmission following a rejected application shall be subject to such late fees as are set out in SCR 54.

10. *Filing.* Applications must be filed in duplicate, each containing original signatures, notaries and photographs and must be accompanied by an original and four copies of a properly executed Authorization and Release Form and two completed FBI fingerprint cards. Applicants shall, at their own expense, arrange to be fingerprinted on cards provided to them by the Board. Applications submitted with fingerprint cards obtained from any other agency or jurisdiction shall be rejected. Resubmission following a rejected application shall be subject to such late fees as are set out in SCR 54.

11. *Supplemental Information.* In addition to an original and one copy of the application for admission, all applicants must submit two letters of reference, certified law school transcripts, and Department of Motor Vehicle printouts from every state in which the applicant has been licensed to drive in the five years immediately preceding the filing of the application. In addition to the foregoing, all attorney applicants (as defined in SCR 54(2)) must provide certificates of good standing and disciplinary history reports from each jurisdiction in which they have successfully taken and passed the bar examination,

whether or not the applicant is licensed in that jurisdiction. If possible, these items should accompany the application, but in any event shall be filed not later than 30 days after the filing of the application.

12. Applicants Reapplying for Admission. Applicants who have previously applied for admission to the State Bar of Nevada must submit all the documentation required for first-time applicants, with the exception of educational transcripts and letters of reference. If prior application was made more than one year preceding the year of application, however, letters of reference must be resubmitted.

13. Rejected Applications. Applications that are incomplete, illegible or are not submitted in duplicate with original signatures, notaries and photographs (photocopies of photographs are not acceptable), shall immediately be rejected. Resubmission following a rejected application shall be subject to such late fees as are set out in SCR 54.

14. Fees.

A. Timely Submission. Applications for the July bar exam filed on or before March 15 shall be accompanied by the appropriate filing fees as set out in SCR 54(1) and (2). Applications for the February bar exam filed on or before October 1 of the preceding year shall be accompanied by the appropriate filing fees as set out in SCR 54(1) and (2). Applicants who have not been previously admitted in another jurisdiction, or who have not taken and passed a bar exam in another jurisdiction shall pay \$700 to the State Bar of Nevada. Applicants who have taken and passed a bar exam or who have been admitted in another jurisdiction shall pay \$1000 to the State Bar of Nevada. **Application fees must accompany the application at the time of filing.** In the event that an application fee check is returned for any reason (i.e. insufficient funds, stop payment), the applicant shall be assessed a late fee (if applicable), as well as a return check charge. After a check is returned, all subsequent fees must be paid by cashier's check, money order or credit card.

B. Refunds. There is no provision for a refund of application fees, and except as provided in SCR 56(3), applications and fees may not be held in abeyance for subsequent bar examinations

C. Late fees. Applications for the July exam filed after March 15, and applications for the February exam filed after October 1, in addition to a \$25 licensure fee, shall be accompanied by such late fees as are set out in SCR 54(3). Any applicant failing to pass the examination who applies to take the next subsequent examination within the time frame provided by S.C.R. 52(1)(c) shall not be required to pay the fees provided in S.C.R. 54(3) for late application. (See the inside cover of the Nevada Supreme Court Rules Regulating Admission.)

15. Deficient Applications. The Director of Admissions shall attempt to notify applicants within 60 days of receipt of filed application of any deficiencies in the application. Pursuant to SCR 56(1)(a), deficient applications must be cured within thirty (30) days of receipt of said notification. Except as provided by SCR 51(3), SCR 55(2), SCR 65.5, and SCR 69, if the application is not completed within the allotted time, the admissions director shall recommend to the Board that the application be rejected. The Board shall reject the application if the deficiencies in the application are such that the Board cannot adequately and thoroughly investigate the applicant's moral character, qualification and fitness to practice law.

16. Attorney Applicants.

A. Admission by Motion or Reciprocity. SCR 42 provides that 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 Supreme Court Rules 49-75, inclusive, in the same manner as all applicants.

B. Multistate Bar Exam Scores. There is no "Attorney Exam" and applicants may not substitute scores from any other jurisdiction's Multistate Bar Exam for the Multistate Bar Exam portion of the Nevada Bar Exam.

IV. MORAL CHARACTER AND FITNESS

17. Purpose. The purposes of character and fitness screening before admission to the bar are the protection of the public, the efficient administration of the system of justice, and the protection of the reputation of the legal profession. The lawyer licensing process is incomplete if only testing for minimal competence is undertaken. The public is protected better by a system that attempts to evaluate character and fitness as those elements relate to the practice of law. The public interest to be served is that those

who are admitted to the bar are worthy of the trust and confidence that clients may reasonably place in their lawyers.

18. Duty. The C&F Committee is a sub-committee of the Board and is responsible to the Court to administer character and fitness screening by appropriate investigation.

19. Development and Publication of Standards. Character and fitness standards are articulated and published herein and are approved by the Court. Standards are to be applied in a consistent manner.

20. The Investigative Process. The burden of producing information always remains on the applicant. The applicant, upon making application for admission, authorizes the state bar, and its agency and representatives, to acquire from any source any information it may request concerning the applicant's professional, academic and moral character and fitness qualifications and shall consent to the disclosure of all such information pursuant to any request by the applicant's law school(s), any state bar, bar association, the National Conference of Bar Examiners or other admitting authority.

A. Authorization and Release. Each investigation is initiated by requiring the applicant to execute under oath a thorough application and to sign an authorization and release form that extends to the Board and its sub-committees, the state bar, and its agency or representatives, and to any persons or institutions supplying information thereto.

B. Further Inquiry. The applicant may be asked to provide facts and/or explanations, in addition to the questions asked on the bar application. In order to verify the accuracy of the information provided in the application, or to obtain additional information, the Committee may also contact the applicant's references, the applicant's employers, colleges and law schools, courts, medical providers, police agencies, credit agencies, and the military, if the applicant has served in the Armed Forces, or any other source deemed relevant. The Committee can employ its own investigator and/or may use the investigative services of the National Conference of Bar Examiners.

The Board, in its discretion, may refuse to permit an applicant whose application complies with the requirements of SCR 52 to take the bar examination if the Board has not completed its investigation into the applicant's moral character or fitness for admission. If the applicant subsequently receives final approval of the Board, the applicant shall be permitted to take the bar examination next following such approval without submission of further fees or applications, except as the Board, in its discretion may order.

C. Review and Recommendation by the Director of Admissions. The Director of Admissions shall review each application for admission to determine whether it has been completed and filed in compliance with the requirements of SCR 51 through SCR 55. After thorough investigation, the Director may determine that the application is complete and that the applicant has demonstrated that he/she possesses the requisite moral character and fitness required to practice law in the State of Nevada and recommend to the Board that the applicant be cleared for character and fitness. If the Director determines that information within the application warrants further review by the C&F Committee, the Director shall refer the application to the Chair of the C&F Committee with a recommendation that the applicant be cleared or that a formal hearing or an informal interview be conducted with the applicant to determine if the applicant has failed to demonstrate good moral character, or mental or emotional fitness to practice law. The Chair of the C&F Committee may accept the Director's recommendation and proceed accordingly, or, may make such other determinations as the Chair, in his/her sole discretion, deems appropriate.

21. Standard of Character and Fitness. A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a deficit in the honesty, trustworthiness, diligence or reliability of an applicant may form the basis for denial of admission with or without prejudice.

22. Relevant Conduct. The discovery of any of the following may be considered by the C&F Committee in determining character and fitness to practice law:

- * unlawful conduct
- * academic misconduct
- * false statements, including omissions
- * misconduct in employment

- * acts involving dishonesty, fraud, deceit or misrepresentation
- * abuse of process
- * neglect of financial responsibilities, including student loans
- * failure or neglect of child and/or spousal support
- * neglect of professional obligations
- * violation of an order of a court or other tribunal
- * contempt of court
- * mental or emotional instability
- * substance or alcohol dependency or abuse
- * denial of admission to, or suspension from, the bar in another jurisdiction
- * disciplinary action by a lawyer disciplinary agency or other professional disciplinary or licensing authority of any jurisdiction.

23. Use of Information. The determination of the C&F Committee shall be as to the current character and fitness of an applicant and may include consideration of the following:

- * the applicant's age at the time of the conduct
- * the time elapsed between the conduct and the application
- * the reliability of the information concerning the conduct
- * the seriousness of the conduct
- * the cumulative effect of conduct or information
- * the evidence of rehabilitation
- * the applicant's positive social contributions since the conduct
- * the applicant's candor in the admissions process
- * the materiality of any omissions or misrepresentations

The investigation conducted by the C&F Committee is to be thorough in every aspect and concluded as expeditiously as possible. Information may be developed in the course of the investigation that is not germane to the question of licensure, which will be disregarded. Conduct that is merely controversial or a disability that is not relevant to character and fitness for law practice shall not be considered.

24. Rehabilitation. The C&F Committee's standard for admission is current good character and fitness. Rehabilitation is an important factor the C&F Committee uses to determine whether past problems should lead to denial of admission. Generally, the C&F Committee will assess whether the problems of the past continue and, if they do not, whether the applicant's life has changed in ways that suggest the problems are unlikely to recur. To prove rehabilitation, an applicant must show some positive contribution to society; in most cases it is not enough that an applicant led a blameless life since the prior problems.

25. Substance or Alcohol Abuse or Dependency, or Treatment for Either. Because conduct related to substance or alcohol dependency or abuse is one of the "relevant conduct" factors about which the C&F Committee must inquire, applicants should be prepared to provide treatment records, as well as other records of incidents which were associated with the addictive behavior. The C&F Committee may, in its discretion, require an applicant to undergo an alcohol and/or substance abuse or dependency assessment by a qualified and certified specialist at the applicant's expense and to submit a written report therefrom. This specialist shall be selected from the approved list of the C&F Committee and shall practice in the state of Nevada.

26. Counseling/Treatment/Recovery. If an applicant has a problem with drugs or alcohol or any other mental or emotional problems, he/she is strongly encouraged to seek counseling or treatment needed. An applicant's recognition of the problem and his/her treatment record may be evidence of recovery to be positively considered by the C&F Committee. The C&F Committee encourages active participation in a recovery program where appropriate.

27. Psychiatric or Psychological Counseling. Mental or emotional instability, like substance dependency or abuse, is one of the factors which the C&F Committee considers. The C&F Committee may, in its discretion, require an applicant to undergo a psychological evaluation or psychiatric assessment at the applicant's expense and to submit a written report.

The C&F Committee recognizes that the stresses of law school, as well as other life factors, frequently result in applicants seeking psychiatric or psychological counseling. Again, the C&F Committee encourages applicants to obtain such counseling or treatment. An applicant should not allow a future bar application to color that decision. Only those forms of mental or emotional problems which have been determined to have an adverse impact on the ability to practice law will trigger an investigation or have an impact on bar admission decisions.

Questions on the Application for Admission regarding professional counseling, treatment, and medication are not intended to invade unnecessarily the applicant's privacy or to discourage applicants from seeking professional assistance. Occasional short-term counseling for relationship problems or situational stress, standing alone, are generally not reasons for further inquiry. The Director of Admissions will not seek mental health treatment records without first notifying the applicant and obtaining the proper medical authorization and release form from the applicant.

28. Arrests. There are many reasons why arrests do not result in convictions, and some of which may have no bearing on guilt or innocence. The C&F Committee inquires into all areas of possible relevant applicant misconduct. Applicants are required to report all incidents, irrespective of the disposition, and to provide evidence of rehabilitation and current good character. An acquittal or dismissal is relevant, but not dispositive. Applicants maintain the obligation to be completely forthright regarding all matters about which the Committee inquires.

29. Financial Irresponsibility. The C&F Committee recognizes that law students and attorneys sometimes have financial problems associated with the expense of law school, or with ongoing family obligations. It also recognizes that mishandling of client funds is a frequent and serious cause for professional discipline. The C&F Committee is interested in whether applicants have dealt honestly and responsibly with creditors, and whether they are doing so at the time of application. Responsible dealings may include maintaining contact with the creditor(s), making timely payments or arrangements, or reaffirming the underlying obligation. The C&F Committee may, in its discretion, require an applicant to undergo an evaluation by a credit counselor at the applicant's expense and to submit a written report therefrom.

30. Candor and Honesty. A pattern of dishonesty or deception in dealing with employers, schools, or authorities, including the Board and the C&F Committee, may be a reason for denial of admission. Any false or deceptive statement on the application, or failure to supply or supplement information required on the form, shall be sufficient cause for denial of admission. Any lack of candor in the admissions process may be cause for denial of admission.

31. Hearings before the C&F Committee.

A. Authority to Conduct Hearings. The C&F Committee has the authority to conduct a hearing on the qualifications of the applicant for admission and may hear relevant evidence, administer oaths and affirmations, require substance or psychological evaluations, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

B. Notice. The applicant has the right to be present at the hearing and shall be entitled to 5 days' notice thereof if served personally and 10 days' notice if served by mail. The notice only requires that the applicant is advised that "matters generally pertaining to your character and fitness may be inquired into." The notice shall advise the applicant that he/she has the right to be represented by counsel of choice at the proceedings, the power to compel the attendance of witnesses, and the production of books, papers and documents pertaining to the matter under investigation, the names of the witnesses the C&F Committee plans to call (if any). The notice shall further inform the applicant that the C&F Committee is required to assess and require advance payment of further fees and costs (the amount shall be detailed therein) against an applicant that, in its opinion, are reasonably necessary to conduct an investigation or hearing or to take depositions either within or without the state of Nevada concerning the character of the applicant.

C. Procedure.

(i) Composition of the Committee (Quorum). The C&F Committee consists of nine members of the State Bar of Nevada, and up to four non-lawyers who specialize in professions whose expertise is germane to matters of moral character and fitness to practice law. Members of the C&F

Committee shall be appointed to serve for terms of three years. There is no limit on the number of terms an attorney may serve on the committee.

(a) *Formal Hearing.* The C&F Committee may be divided by its Chair into as many hearing panels composed of a minimum of four members, on a case by case basis one of whom may be a non-lawyer, as the Chair believes necessary to conduct hearings. The Chair will assign applicants for hearings to the panels and may sit as Chair for the panel or designate an attorney to sit as Acting Chair in his/her place.

(b) *Informal Interview.* For those whose applications reflect conduct or information warranting further inquiry, but may not necessarily require a formal hearing, the Chair and the Director of Admissions, or their designee, may conduct an informal interview in an attempt to counsel with an applicant, or to resolve a matter informally.

(ii) *Burden.* As in all other admission matters before the Board and the Court, in an informal interview and in a formal hearing before the C&F Committee, the burden remains upon the applicant to prove that he/she has the requisite moral character and fitness to practice law in the state of Nevada.

(iii) *Standard of Proof.* In all proceedings before the Board and the C&F Committee, the standard of proof is clear and convincing evidence.

(iv) *Order of Presentation.* Although hearings before the C&F Committee are conducted informally, and may deviate from time to time, the following generally describes the manner in which hearings will be conducted.

(a) *Formal Hearing.* All formal hearings will be reported by a certified court reporter and a transcript of the proceedings may be ordered by the Chair, the Court or the Applicant. The transcript will be ordered for any adverse recommendation reviewed by the Court. The transcript is deemed to be confidential. The Chair will call the hearing to order and make an opening statement, introduce the hearing panel members, and explain the purpose for the hearing and the duty of the C&F Committee in conducting the hearing. The applicant or applicant's counsel will then be asked to make an opening statement if desired, and to present any witnesses or present such evidence that the applicant deems necessary. All witnesses must testify under oath. Members of the hearing panel may also inquire of the witness(es). At the conclusion of the hearing, the applicant or his/her counsel is invited to make a closing statement.

(b) *Informal Interviews.* Informal interviews shall be conducted informally and shall not be reported.

D. Decision and Recommendation. The C&F Committee shall submit Findings and make a recommendation to the Court.

(i) *Formal Hearing.* The Board of Bar Examiners shall notify the applicant of the results of the hearing within 30 days of the conclusion of any formal hearing. The Hearing Panel Chair will submit Findings and Recommendations to the Court with proof of service upon the applicant in accordance with SCR 64(1). If the Board has permitted an applicant to take the bar examination and the applicant is successful on an examination, the C&F Committee must complete its investigation and make its recommendation to the Court prior to June 1 of the year immediately following the year in which a July applicant is successful on the examination or January 1 of the year immediately following the year in which a February applicant is successful on the examination. Should the applicant fail to pass the examination, a character and fitness hold will continue until the applicant is successful on a later examination.

(ii) *Informal Interview.* The Chair, or his/her designee, may clear the applicant for character and fitness after an informal interview or may refer the matter for a formal hearing.

E. Denial With or Without Prejudice. Only the C&F Committee or the Board may recommend denial, with or without prejudice, of an application on the grounds that the applicant has not demonstrated requisite moral character and fitness, pursuant to SCR 64. In the absence of the timely filing of a petition for review set forth in SCR 64, the Court shall not disturb an adverse recommendation of the C&F Committee or Board.

If the recommendation as approved by the Court is to deny admission without prejudice, the C&F Committee or the Board may impose conditions which the applicant must fulfill before the applicant will be permitted to file a subsequent application for admission. Further, the C&F Committee or the Board shall recommend a period of time, not to exceed 5 years, before the applicant may reapply.

If the recommendation as approved by the Court is to deny admission with prejudice, the applicant will not be permitted to reapply for admission to practice law in this state at any time thereafter.

F. Conditional Admission. In exceptional cases where applicants possess character and fitness problems, which although serious, do not warrant denial of admission with or without prejudice, the C&F Committee may recommend that an applicant be conditionally admitted under SCR 50.5. If the C&F Committee recommends conditional admission, it shall also recommend terms and conditions of said admission. The terms and conditions recommended by the C&F Committee must be approved by the Court, which may modify the recommendation as it deems appropriate. If the Court approves the recommendation for conditional admission, the applicant must consent in writing to the conditions of admission approved by the Court. The C&F Committee shall provide the applicant with a written consent form within 10 days of the Court's order setting the conditions for admission under SCR 50.5. The applicant must sign and return the written consent form to the C&F Committee within 30 days of the Court's order setting the conditions for admission. An applicant's failure to consent will result in a denial of admission under SCR 50.5.

(i) The period during which the applicant is conditionally admitted shall be designated as the probationary period and shall be monitored by and through the office of Bar Counsel of the State Bar of Nevada. Any alleged violation of the terms or conditions of the probationary period shall be referred to a probationary hearing panel of the C&F Committee by the office of Bar Counsel.

(ii) An applicant recommended for conditional admission shall consent to the disclosure of all information obtained by the Board to the office of Bar Counsel, except that information received by the Board under a specific agreement of confidentiality or otherwise restricted by law.

(iii) The C&F Committee shall recommend the length of time of the probationary period and shall set forth that period of time in its recommendations to the Court.

(iv) Upon successful completion of the probationary period, in the absence of any disciplinary action by Bar Counsel and upon written application by the applicant, the Board may recommend that an applicant be eligible for unconditional admission to the State Bar of Nevada.

(v) The costs of monitoring an applicant's probation, if any, shall be paid by the applicant admitted pursuant to this order before expiration of the probationary period. The probationary hearing panel, when possible, will be comprised of the members of the hearing panel who recommended that the applicant be admitted pursuant to this rule.

(vi) Any alleged violation, however de minimis, of the terms and conditions of the order of conditional admission shall be brought before the probationary hearing panel of the C&F Committee. Upon ten (10) days written notice to the applicant, the probationary hearing panel of the C&F Committee will convene to determine if a violation of the conditions or terms has occurred and what action, if any, should be taken.

(vii) If the probationary hearing panel of the C&F Committee determines that the alleged violation(s) is not proved, no further action will be taken. If it finds that a violation of the terms or conditions of the order of conditional admission exists, it may recommend to the Court suspension or revocation of the conditional license. If it determines that the violation does not rise to the level of suspension or revocation, it may recommend to the Court the extension of the terms or imposition of such additional conditions to the order of conditional admission as it deems appropriate.

(viii) Any grievance(s) filed with the office of Bar Counsel of the State Bar of Nevada concerning actions of an applicant admitted pursuant to an order of conditional admission during the probationary period shall be submitted to a screening panel of the Southern or Northern Nevada Disciplinary Board.

(a) If the disciplinary screening panel recommends anything other than dismissal, such findings shall be submitted to the probationary hearing panel of the C&F Committee. The probationary hearing panel of the C&F Committee may, upon ten (10) days written notice to the

applicant, convene a hearing to determine the impact of these findings on the applicant's conditional admission.

(b) Based upon the existence of a pending recommendation by a disciplinary screening panel of anything other than dismissal, the probationary hearing panel of the C&F Committee may recommend revocation of the conditional license to the Court, or the extension of the terms or imposition of such additional conditions of the order of conditional admission as it deems appropriate.

(ix) The actions taken by the probationary hearing panel of the C&F Committee regarding disciplinary grievances shall not impair the independent authority of the Southern or Northern Disciplinary Board, or the Court to impose discipline.

(x) The order of conditional admission shall be imposed pursuant to a confidential order of the Court and shall remain confidential except as is required by an application to be admitted to the United States Supreme Court, and/or to the bar of any other state or jurisdiction, or at the request of the applicant admitted pursuant to the Order of Conditional Admission.

G. Petitions for Review. Where the C&F Committee recommends to the Court that an applicant be denied admission with or without prejudice, the findings and recommendations shall be stated in writing and shall be filed with the clerk of the Court, together with proof of service of the recommendation upon the applicant. The C&F Committee shall not consider evidence as a basis for an adverse recommendation without disclosing that information to the applicant and affording the applicant an opportunity to respond. Any applicant, so notified, may within a period of 30 days from service of the notice, file a verified petition for review with the Court, with proof of service upon the Director of Admissions and the Chair of the C&F Committee. Such petition shall contain any relevant information necessary for the Court's understanding of the matter, a statement of facts supported by adequate citation to any record, and legal points and authorities setting forth the legal basis for each ground upon which the Board's recommendation is alleged to be erroneous. Service by mail is complete upon mailing.

If the Court is of the opinion that the C&F Committee's recommendation should not be disturbed, it may deny the petition. Otherwise, the Court may enter an order fixing time within which an answer may be filed by the C&F Committee. Should the Court determine that the petitioner is entitled to relief, it may direct the Board of Bar Examiners to take such action as is deemed warranted under the circumstances.

In any proceeding before the C&F Committee, or before the Court, the applicant shall have the burden of proving that the applicant meets the qualifications required for admission to practice in this state. Should an applicant fail to meet this burden of proof, the Court shall refuse to disturb the adverse recommendation of the C&F Committee.

V. BAR EXAMINATION

32. Times and Location. The July bar examination is given in Reno and Las Vegas simultaneously the last Tuesday, Wednesday, and Thursday of July. The February bar examination is given in Las Vegas the last Tuesday, Wednesday, and Thursday of February.

33. Composition of the Exam. The Bar Examination is composed of the Multistate Bar Examination, to be administered nationally the second day of the exam, and the Nevada Essay Exam, the first session to be administered on the first day of the exam, the second session on the third day of the exam. Beginning with the July 1997 examination, the Board shall also administer one or more Performance Tests. Applicants may choose to use a personal computer, or handwrite the essay examinations and performance tests. Nevada essay examination subjects and the skills to be tested by the Performance Exam are set forth in SCR 66.

A. Multistate Bar Examination (MBE). The MBE is a national bar examination prepared by the National Conference of Bar Examiners. It is scored and analyzed by American College Testing Service. It consists of 200 multiple choice questions involving the following areas of law: real property, contracts, torts, evidence, criminal law and constitutional law. It is a six-hour examination administered in two, three-hour sessions.

B. Essay Examination. The eight Nevada essay questions are prepared and graded by the Board. The exam is composed of eight essay questions, including a question on legal ethics, and beginning with the July 1997 exam, one or more Performance Test question(s). The essay examination is designed to test applicants on their knowledge of both fundamental legal principles and Nevada Law. The Performance Test is designed to test an applicant's ability to use fundamental lawyering skills in a realistic situation. It is administered in one or more questions and may examine six fundamental lawyering skills that are required for the performance of many lawyering tasks. These skills are as follows: problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task, and recognizing and resolving ethical dilemmas. The Nevada essay questions are designed to be answered in one hour and the Performance Test question(s) in 90 minutes.

34. Admission Tickets (Notice to Appear at the Exam). Pursuant to SCR 56(2), no applicant for examination for a license to practice as an attorney and counselor at law in this state shall be eligible for examination until the applicant has received the written approval of the Board. No later than 30 days prior to the Bar Examination, eligible applicants shall be sent written authorization to appear for the examination designating the previously selected location and method (computer or writing) for the examination. If the applicant cannot appear at the designated location or take the examination by the designated method, it is imperative that the applicant contact the Admissions Department immediately so the Board may place the applicant's identification badge at the correct site. Failure to notify the Admissions Department in writing may result in a withdrawal of the applicant's application. Written authorization to appear does not preclude the C&F Committee or the Board from placing an administrative or a character and fitness hold on an applicant in the event adverse information is received or discovered prior or subsequent to the written authorization.

35. Accommodation(s). Without impairing the integrity of the examination process, the Board has adopted the following procedures for those applicants whose disabilities are covered within the scope of the Americans with Disability Act ("ADA").

A. Definitions:

(i) "Disability" shall mean any of the following:

(a) a physical or mental impairment that substantially limits one or more of the major life activities of the applicant and that substantially limits the ability of the applicant to demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Nevada and the Board have determined are appropriate for admission to the practice of law in Nevada;

(b) a record of having such an impairment;

(c) being regarded as having such an impairment.

(ii) "Physical impairment" shall mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(iii) "Mental impairment" shall mean any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(iv) "Otherwise qualified applicant with a disability" shall mean an applicant with a disability who, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for admission to the practice of law in Nevada.

(v) "Reasonable accommodation" shall mean an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability without doing any of the following:

(a) Fundamentally altering the nature of the examination or the Board's ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Supreme Court of Nevada and the Board have determined are appropriate to require for admission to the practice of law in Nevada;

(b) imposing an undue burden on the Board;

- (c) compromising the security of the examination; or
- (d) compromising the integrity, the reliability or the validity of the examination.

B. Procedures for Requesting Accommodation(s). An applicant requesting accommodation(s) must submit a request in writing at the time of the filing of the application. Requests must be submitted no later than the final deadline for filing applications. The Board shall, within twenty-one days of receipt, serve upon the applicant an application for accommodation(s). Applicants seeking accommodation(s) must submit the completed application together with medical and/or psychological verification completed by a licensed professional with appropriate specialty training describing the nature and extent of the disability and accommodation(s) requested not later than June 1 if the application is for the following July examination, and not later than January 1 if the application is for the following February examination.

The verification shall, at a minimum, fully describe:

- (i) All test(s) performed to diagnose the disability and the particular disability diagnosed;
- (ii) The effect of the disability on the applicant's ability to take the examination under normal testing conditions, or special conditions;
- (iii) The accommodation(s) requested and testing conditions believed necessary to accommodate the disability in such a way that administration and validity of the examination would not discriminate unfairly against the applicant.

If requested, the applicant may be required to submit an authorization for release of records from the medical and/or psychological authorities who completed certificates submitted with the request (or other medical provider(s) who have treated the applicant) if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant's condition meets the criteria for accommodation(s).

C. Expert Panel. The Board, after consultation with its expert panel comprised of physicians and specialists whose professions are germane to the stated disability, shall then determine the extent of the accommodation to be allowed, if any, and notify the applicant in writing of its decision.

D. Procedure for Review. The Board shall review all requests for accommodation(s) that are properly filed in accordance with this policy. An applicant who is notified that the accommodation(s) granted by the Board are less than that which the applicant requested, or that the requested accommodation(s) have been denied, may, within a period of 15 days, file a petition for review with the Chair of the Board. This petition shall contain proof of service of the petition upon the Director of Admissions and shall state with particularity each ground upon which the Board's recommendation is alleged to be less than adequate or inadequate, and shall be accompanied by documentation necessary to support the matters set forth in the petition. The petition may further be accompanied by points and authorities, setting forth legal basis for the relief requested, or such additional medical documentation necessary to substantiate the relief requested.

The Chair shall review the Petition and may enlist advice from the expert panel regarding any new information presented in the Petition. If the Chair is of the opinion that relief is not warranted, he/she will deny the Petition. Or, the Chair may amend the original accommodation(s) granted. The Chair (or his/her designee) shall so notify the applicant in writing.

The burden shall be upon the applicant to establish that the granted accommodation(s) are less than adequate or inadequate. Should the applicant fail to meet this burden, the Chair will modify the original accommodation(s) granted.

E. Standards for Decision on the Merits. The Board shall grant a request and provide disability accommodation(s) to an applicant if it finds all of the following or is otherwise required to do so by law:

- (i) the applicant is a qualified applicant with a disability who is otherwise eligible to take the bar examination;
- (ii) the accommodation(s) are necessary to ameliorate the impact of the applicant's disability;
- (iii) the accommodation(s) are reasonable.

The Board shall determine, based on the information available to it, what accommodation(s) are reasonable. The Board may provide accommodation(s) different from those requested by the applicant if

the Board determines that the accommodation(s) provided will ameliorate the impact of the applicant's disability.

If an applicant is permitted to dictate answers to the essay portion of the examination, those answers shall be transcribed by personnel selected solely by the Board for that purpose.

VI. GRADING BAR EXAMINATIONS

36. Grading the Examination. The Board is aware of the bar examination's importance to each applicant and has established procedures calculated to ensure a fair system of grading. The bar examination currently consists of two sections: the Nevada Essay section, consisting of eight essays, and beginning with the July 1997 examination, one or more Performance Test questions, and the 200-item Multistate Bar Examination. The essay portion of the examination is worth at least twice that of the MBE and an overall total scaled score of no less than 75.00 is needed to pass. A score which is less than the passing standard on one portion may be compensated for by a higher score on the other portion. Essay raw scores are scaled to the MBE and combined to achieve a total scaled score.

The Board, and its graders, score the answers to the Essay Exam and beginning in July 1997, score the Performance Test question(s) as well. The Board has adopted commonly accepted procedures for the calibration of graders to assure uniformity of the grading standards. The grading process and grade distributions are periodically reviewed in order to assure uniformity in grading.

37. Anonymity of the Applicant. The anonymity of the applicant is preserved throughout the grading process. Each applicant is assigned a code number which is not known to any person responsible for grading the exams until after the applicant's final grade is determined. The reader who grades the exam has no knowledge of the identity of its author, the author's background, legal education nor prior experience, if any, with the bar examination. Consequently, no factor other than the applicant's exam has any bearing on the applicant's success or failure.

38. Calculations. Pursuant to SCR 65(3), at least 30 days before each examination, or within such further time as the Court may permit, the Board files with the Court for approval, a proposed formula upon which the MBE will be applied with the other portions of the total examination results and a proposed formula for grading the entire examination.

A. MBE. The MBE is equated to previous administrations of the exam through a comparison of the performance of all examinees on items used on the current and the prior examinations. Raw MBE scores are converted to scaled scores representing the same level of competence or performance as corresponding scaled scores on prior examinations.

B. Essay Exam. The Board assigns a raw score to each essay answer. Essay raw scores are then combined with MBE scaled scores and submitted to a psychometrician for calculation. Beginning with the July 1997 exam, Performance Test question(s) are allotted one and one-half the weight of an essay question prepared by the Board. The psychometrician, employing recognized statistical methods, calculates the total scaled score utilizing a formula previously approved by the Court. The psychometrician ensures that the raw essay scores are converted to a distribution that has the same mean and standard deviation as the Nevada MBE scaled scores; that the essay examination is given at least twice the weight of the MBE; and, except as is otherwise ordered by the Court, that the standard of passing is held constant across administrations of the examination.

39. Regrade Procedures. Applicants' examinations with total scaled scores immediately below the passing point are reconsidered before final certification to the Court. The Board believes that this grading system affords each applicant a fair and careful consideration of all answers on the bar examination and that subsequent to the certification of the grades to the Court, no useful purpose would be served by further consideration by the Board. Thus, after the filing of the first Order admitting applicants by the Court, the Board shall not reconsider any essay answers.

Regrade of the MBE. Applicants may request that ACT hand grade the MBE examination for an additional administrative fee. Applicants requesting a manual regrade must submit a written request to the Department of Admissions accompanied by a check in the amount of \$8.30 made payable to

American College Testing. The state bar will not accept the score of a manual regrade of the MBE unless it is reported to the second decimal place.

40. Notification of Results. Applicants shall be notified at the bar examination of the anticipated release date of the results. This date is generally ten weeks after the bar exam. An applicant may call the office of the State Bar of Nevada at the designated date and time to find out if the applicant was successful or unsuccessful on the exam. This information is **unofficial** and applicants should not rely on telephone notification as official notification. The Court will send the applicant official notification whether the applicant passed or failed the examination, and whether there are any other holds that would prevent the applicant from immediate admission and attending the swearing in ceremony. Additionally, in accordance with SCR 69(3), the Nevada Lawyer, a publication of the State Bar of Nevada, shall publish the names of all applicants successful on the Nevada Bar Examination.

41. MBE Score Transfers Successful applicants cannot review their MBE or essay examinations nor can they find out their total scaled scores on the examination. An applicant who wishes to transfer MBE scores to another jurisdiction must put the request in writing and send it, accompanied by a check for \$10.00 made out to the State Bar of Nevada to cover administrative costs, to the Admissions Department of the State Bar of Nevada.

42. Unsuccessful Applicants.

A. Notification. Applicants who are unsuccessful on the bar examination shall be notified in writing by the State Bar of Nevada within 30 days of the date the order is filed admitting applicants to practice law in the State of Nevada. This notice shall be accompanied by a statistical analysis of the applicant's scores with an explanation of the grading procedures employed by the Board's psychometrician.

B. Review of Answers. To obtain copies of essay exam answers and questions, applicants must send \$35.00 to the Admissions Department of the State Bar of Nevada. Requests for copies of answers must include the applicant's ID number as well as a sample of his/her handwriting. Answers are available for three years from the date of the bar examination. Marks or comments from the graders do not appear on the essay answers. There shall be no right of appeal or review as to the examination or its result.

43. Confidentiality. Contents of any application for admission to practice law in this state, the results of any investigation and documentation regarding the application or applicant, including transcripts of hearings and the grades of an individual applicant shall remain confidential and shall not be disseminated without the express written authorization of the applicant.

Pursuant to SCR 52(3), however, any applicant who makes application for admission, shall consent to the disclosure of all information as set forth in SCR 52 pursuant to any request by any state bar, bar association, the National Conference of Bar Examiners or other admitting authority.

VII. ADMISSION

44. Swearing-In. After the filing of the Order admitting applicants to the practice of law in the State of Nevada is filed by the Court, applicants eligible for admission will be notified of the time and place of the swearing-in ceremony before the Court and will be provided with an oath of attorney. Applicants may take the oath of office at this ceremony or before any judge or any notary public or any other person authorized to administer oaths in any jurisdiction. The attorney's oath can be located in SCR 73. Upon filing the signed oath with the Court, an applicant becomes a member of the Nevada State Bar. The signed original oath must be filed with the Court on or before January 31 of the year following the year the applicant took the July examination or on or before August 31 of the year the applicant took the February examination, or the application is deemed withdrawn. Those applicants admitted to practice after the January 31 deadline or the August 31 deadline shall have 30 days to file the oath with the Court before their application is deemed withdrawn.

45. Multistate Professional Responsibility Exam ("MPRE"). Pursuant to SCR 65.5 and SCR 69, prior to the admission to the practice of law, and not earlier than 3 years preceding the year in which an applicant passes the bar examination, and no later than 3 years after the year in which the applicant passes said examination, an applicant must take and pass the MPRE with a scale score of no less than 85. There

is no limit to the number of times an applicant may take the MPRE during this period, however, failure to pass the MPRE during this period will preclude admission and the applicant must retake the entire bar examination. An applicant may take the MPRE in another jurisdiction; however he/she is responsible to have the score transferred to the admissions department by the National Conference of Bar Examiners. Questions regarding the MPRE or requests for score transfers should be directed to the National Conference of Bar Examiners at (319) 337-1287.

46. *Supreme Court License.* The Supreme Court license is ordered and disseminated by the Court. Licenses are mailed to new admittees approximately 150 days following the date of admission. Any inquiries regarding a license should be directed to the clerk of the Supreme Court.

47. *Bar Number.* The Nevada State Bar is a mandatory bar and one must be a member to practice law in Nevada. Bar numbers shall be issued following the swearing in ceremonies in Reno and Las Vegas. Applicants sworn in prior to the ceremony must show evidence that they have filed their oath of attorney with the Court before a bar number is issued. Bar numbers must be placed on all pleadings and/or other documents filed with the Nevada Courts.

48. *Bar Cards and Bar Dues.* The State Bar of Nevada issues bar cards for new admittees following the swearing-in ceremonies. Active members admitted to practice in any jurisdiction less than five (5) years shall pay an annual membership fee of \$250.00, and active members admitted to practice in any jurisdiction five (5) years or more shall pay \$450.00. Dues shall be billed on or around December 1 of the year the new admittee passed the Bar Examination. Inactive dues are \$125.00 for an attorney who wishes to be placed on the mailing list, and \$25.00 for an attorney who does not wish to receive any correspondence.

49. *Additional Inquiries.* Please direct any additional inquires to the State Bar of Nevada, Attn: Admissions Department, P. O. Box 50, Las Vegas, NV 89125, (702) 382-2200, Fax (702) 382-6676.

Addendum 2.

Policies and Procedures of the Functional Equivalency Committee

1. *Number of Members on the Committee.* By order filed September 29, 1993, ADKT No. 171, the Supreme Court of Nevada created the Committee on Functional Equivalency ("committee"). The committee was formally codified in Supreme Court Rule 49 in 1996. The committee is composed of seven members who are active members of the State Bar of Nevada. Four of the members are appointed by the Supreme Court of Nevada ("Court"), and three members are appointed by the Board of Governors. The Chair will be selected by the Court from the appointed members.

2. *Terms of Office.* The terms of the members of the committee shall be three years. There is no limit on the number of terms an attorney may serve on the committee.

3. *Responsibilities and Powers of the Committee.* The committee shall have all those powers and duties delegated under the Nevada Supreme Court Rules to the Board of Bar Examiners relating to the conduct of investigations and hearings, and the submission of reports and recommendations to the Board of Bar Examiners and the Court respecting those petitioners seeking certification in accordance with SCR 51.5.

A. *Chair.* The chair will be selected by the Court from the committee members and is responsible for ensuring that petitions for certification of the qualifications set forth in SCR 51.5 are processed in accordance with the Supreme Court Rules and the policies and procedures of the committee as set forth herein.

B. *Vice-Chair.* The vice-chair is to be appointed by the committee and shall take on the duties and responsibilities of the chair in his/her absence.

4. *Quorum.* No less than four of the seven members of the committee, meeting either in person or by telephone conference, shall constitute a quorum for the purposes of a hearing. Committee decisions and recommendations require a majority vote of those in attendance.

5. *Certification Procedure.* Before submitting an application for examination for a license to practice in Nevada, a prospective applicant who has received a degree of bachelor of laws or an equivalent law

degree from a law school that has not been approved by the Committee on Legal Education and Admissions to the Bar of the American Bar Association as required by SCR 51(c) must first obtain certification by the committee that the prospective applicant has met the qualifications set forth in SCR 51.5 ("certification"). Applications for admission submitted without prior certification shall immediately be rejected and the application fee shall not be refunded.

To apply for certification, a prospective applicant who has met the standards set forth in SCR 51.5 must submit to the Director of Admissions an original and two (2) copies of a verified petition for certification under SCR 51.5, together with a \$750.00 filing fee, and proof of service of the petition on the chair of the committee. The chair may be served at the office of the State Bar of Nevada. The petition must be filed no later than September 1 of the year prior to the year in which the petitioner seeks to sit for the bar examination, and shall contain a statement of facts accompanied by copies of all relevant documents, a statement of each ground upon which relief is alleged to be warranted, and legal points and authorities, setting forth the legal basis for each ground for the relief requested.

In this petition, the burden of proof shall be upon the petitioner, without imposing an excessive burden on the committee, to demonstrate that he or she meets the qualifications set forth in subsection 1(a), 1(b), or 1(c) of SCR 51.5.

Listed below are the minimum qualifications that will be considered by the committee in its investigation. Petitioners shall provide the committee with evidence addressing the following applicable items:

1. Quality of Law School (profit vs. non-profit, correspondence vs. attendance, etc.)
2. Curriculum (courses taken, content, common law subjects, length of classes for individual sessions, semester or other term, participation required, moot court, etc.)
3. Faculty (number of full-time faculty members, faculty/student ratio, professional credentials, availability of faculty to students after class, etc.)
4. Admission Standards (requirement of LSAT or equivalent, average GPA, BA/BS required or AA acceptable, number of students, etc.)
5. Resources and Research Facilities (library facility, number of volumes in library, types of volumes in library, study facilities, etc.)
6. Physical Plant (size, classroom size, moot court facilities, offices for faculty, separation of law school from general university, etc.)
7. Existing Accreditation, Prior Accreditation History or Attempt (prior ABA accreditation or provisional accreditation, attempt at ABA accreditation, accreditation of foreign law school by agency analogous to ABA, etc.)
8. Evidence of experience in the full-time practice of law in any state of the United States of America, a territory of the United States of America, the District of Columbia, or a foreign country for at least ten of the preceding twelve years. Such evidence should include, but not be limited to: a sworn affidavit detailing the nature and extent of the petitioner's legal work experience during the time the petitioner claims to have engaged in the full-time practice of law; legal memoranda prepared by the petitioner; copies of published cases resulting from the petitioner's pleadings and/or pleadings and papers filed by the petitioner in his/her capacity as an attorney and counselor at law as a sole practitioner or for a law firm, legal services office, legal clinic or the like, or as an attorney for an individual, a corporation, partnership, trust; and/or letters of reference from the bench and bar in the jurisdiction in which the petitioner has been engaged in the practice of law.

The above listing is not meant to be exhaustive. Rather, it is illustrative of the minimum qualifications that the committee will consider in determining whether the petitioner has met the qualifications set forth in SCR 51.5.

6. Fees and Expenses. Verified petitions for certification shall be accompanied by a \$750 filing fee which shall be paid to the State Bar of Nevada. The filing fee shall cover those costs which in the opinion of the committee are reasonably necessary to conduct investigations and to hold hearings. Costs under this rule shall include, without limitation, the cost of court reporters, consultants, experts, telephone and

teletype, as well as transportation, meals and lodging incurred by the members of the committee in the furtherance of its investigation.

In the event the initial filing fee shall prove to be inadequate to cover the actual costs of the investigation and hearings, an invoice shall be served on the petitioner. Within ten (10) days of service of the invoice, the petitioner shall pay the additional invoiced amount to the state bar. Failure to pay the filing fee or any subsequent invoiced costs under this rule shall result in denial of the petition.

7. Hearings. In accordance with SCR 57, the committee may, in conducting its investigations, take and hear relevant evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of books, papers and documents, subject to the Supreme Court Rules.

Upon payment of the filing fee and estimated expenses, the committee shall review such evidence and conduct such hearings as it deems necessary to investigate the grounds asserted by the petitioner and to make a determination whether the petitioner has met the qualifications set forth in SCR 51.5. The petitioner shall be entitled to notice as set forth in section 8 below, and to be present, together with counsel, if desired, to present evidence to substantiate the claim. The petitioner shall also be entitled to all rights and privileges as are set forth in the Supreme Court Rules relating to the conduct of investigations and hearings. In any proceeding before the committee, the petitioner shall bear the burden of proof to demonstrate that the petitioner meets the qualifications as set forth in SCR 51.5.

8. Notice. In accordance with SCR 59, whenever a petitioner is required to appear before the committee the petitioner shall be entitled to five (5) days' notice thereof if served personally, and ten (10) days' notice if served by mail at the petitioner's last-known address.

9. Recommendation to the Board of Bar Examiners. On or before January 1 of the year in which the petitioner seeks to sit for the bar examination, the committee shall make a determination whether the petitioner meets the qualifications as set forth in SCR 51.5. If the committee has noted questions relating to the petitioner's ability to meet the moral character and fitness requirements of SCR 51(1), the committee may recommend to the Board of Bar Examiners that the petitioner be referred to the committee on moral character and fitness for further investigation and/or hearings prior to review by the committee.

A. Favorable Recommendation. If the committee recommends that certification be granted in accordance with S.C.R. 51.5, the committee shall reduce such recommendation to writing and shall transmit to the Board of Bar Examiners, together with proof of service by mail on the petitioner, its certification that the petitioner has met the qualifications set forth in SCR 51.5(1)(a), (b), or (c). Service shall be complete upon mailing. The report shall be filed with the Board of Bar Examiners within thirty (30) days of the conclusion of any hearing, unless otherwise ordered by the Board of Bar Examiners. Upon receipt of such certification, the Board of Bar Examiners shall permit the petitioner to apply for admission, unless the Board determines that further investigation is necessary. The petitioner may, in the Board's discretion, be permitted to sit for the bar examination if the petitioner meets all other applicable requirements.

B. Adverse Recommendation. If the committee recommends that certification be denied based upon its determination that the petitioner has not met the qualifications set forth in SCR 51.5, the committee shall file a report with the Board of Bar Examiners, together with proof of service by mail on the petitioner, describing the basis for the committee's adverse recommendation. Service shall be complete upon mailing. The report shall be filed with the Board of Bar Examiners, within thirty (30) days of the conclusion of any hearing, unless otherwise ordered by the Board of Bar Examiners. Absent a timely verified petition for review filed in accordance with section 10 below and SCR 51.5(7), the Board of Bar Examiners shall approve the adverse recommendation of the committee, unless the Board of Bar Examiners determines that further investigation is necessary.

10. Procedure for Review by the Supreme Court. If the committee recommends to the Board of Bar Examiners that a petitioner be denied certification, the petitioner may, within fifteen (15) days from the date of service of such report, file an original and two (2) copies of a verified petition for relief with the Supreme Court, which shall be accompanied by a non-refundable \$200 filing fee and proof of service of a copy upon the Director of Admissions of the state bar, the chair of the Board of Bar Examiners, and the chair of the Functional Equivalency Committee. Such petition shall contain any relevant documentation necessary for the Court's understanding of the matter, a statement of facts supported by adequate citation

to any record, and legal points and authorities setting forth the legal basis for each ground upon which the committee's recommendation is alleged to be erroneous.

Within fifteen (15) days of service of any verified petition, the Board of Bar Examiners shall file the committee's report with the Court. Additionally, within fifteen (15) days of service of any verified petition, the Board of Bar Examiners and/or the committee, or their representative may file a supplement to the committee's report addressing any issues raised in the petition.

If the Court is of the opinion that the committee's recommendation should not be disturbed, it may deny the petition. Otherwise, the Court may enter an order fixing the time within which an answer may be filed by the committee, if the committee has not already filed an answer. Should the Court determine that the petitioner is entitled to relief, it may direct the Board of Bar Examiners to permit the petitioner to file an application for admission and to process the application in accordance with Supreme Court Rules 49 to 75.