

**NEVADA ASSOCIATION OF COUNTIES (NACO)**  
Board of Directors' Meeting  
Tuesday, September 26, 2023  
Immediately Following the Annual Business Meeting  
Elko County Convention Center  
Ruby Room  
700 Moren Way  
Elko, NV 89801

**NOTICE TO THE PUBLIC:**

The public may provide public comment in advance of a meeting by written submission to the following email address: [info@nvnaco.org](mailto:info@nvnaco.org) For inclusion or reference in the minutes of the meeting, your public comment must include your full name and be submitted via email by not later than 3:00 p.m. the day before the meeting.

**AGENDA**

Some NACO Board members may attend via remote technology from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order, Roll Call and Pledge of Allegiance

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. NACO President's Report.
4. NACO Executive Director's Report.
5. Approval of Minutes of the August 25, 2023, NACO Board of Directors Meeting. **For Possible Action**
6. Discussion on Proposed NACO Board Meeting Dates and Locations for 2024. **For Possible Action.**
7. Discussion and Overview of Senate Bill (SB) 425, from the 82<sup>nd</sup> Session of the Nevada Legislature, and Notification of NACO Sponsored Appointment.
8. Discussion and Possible Approval of a Letter of Support to the Nevada State Supreme Court for Workforce Requirements Related to Providing Indigent Defense Services in Nevada. **For Possible Action.**
9. Update from NACO Public Health Coordinator.
10. Regarding Public Lands and Natural Resources Issues Affecting Counties. **For Possible Action**

11. Updates from Members of the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.

12. Public Comment. Please Limit Comments to 3 Minutes.

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Berg at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: [www.nvnaco.org](http://www.nvnaco.org)

*This agenda was posted at the following locations:*

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Elko County Manager's Office 540 Court Street #101, Elko NV 89801

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

**NEVADA ASSOCIATION OF COUNTIES (NACO)**

Board of Directors' Meeting  
August 25, 2023, 9:30am  
**NACO Conference Room**  
**304 South Minnesota Street**  
**Carson City, NV 89703**

**UNADOPTED MINUTES**

**Attendance:** President Elect Giomi, Vice President Hall, Past President Kirkpatrick, Douglas County Commissioner Gardner, Esmeralda County Commissioner Keyes, Humboldt County Commissioner Tipton, Lander County Commissioner Waits, Lincoln County Commissioner Reese, Lyon County Commissioner Henderson, Nye County Commissioner Boskovich, Storey County Commissioner Carmona, Washoe County Commissioner Herman, White Pine County Commissioner Carson, NACO Fiscal Officer Kalt, Humboldt County Comptroller Rackley; Nevada Fiscal Officers Association and NACO Staff (Vinson Guthreau, Jennifer Berthiaume, Jacob Brinkerhoff, Amy Hyne-Sutherland and Amanda Berg)

The meeting was called to order at 9:31 a.m.

1. **Public Comment.** Jerry Annis, a resident of Lander County discussed the Wild Horse and Burro State of Emergency that had been passed by Lander and other counties and requested other counties to pass the same as well as requested support from the Board on the issue. He concluded his remarks by discussing an upcoming debate on the issue to be held in Elko County.
2. **Approval of Agenda.** President Elect Giomi noted the time certain items on the agenda and reminded the Board that they would not be heard prior to the time indicated and that would require hearing items out of order. The agenda was approved on a motion by Commissioner Waits with second by Commissioner Herman.
3. **NACO President's Report.** None was given as President Higbee was absent.
4. **NACO Executive Director's Report.** Vinson informed the Board of new Federal Broadband funding available to counties. He informed the Board that he (NACO staff) has been in communication with Senator Rosen's office as well as with the staff of the Governor's Office of Science, Innovation and Technology (OSIT). He noted that the Director of OSIT, Brian Mitchell, would be reaching out to counties individually regarding the funding and requested that counties reach out to him if they experienced any obstacles regarding the use of available dollars. Vinson identified some such obstacles as Federal land use issues and rights of way.
5. **Approval of Minutes of the June 30, 2023, NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Gardner with second by Commissioner Herman.

6. **Update on the 2023 NACO Annual Conference, Hosted by Elko County.** Amanda informed the Board that planning efforts were going well and thanked Elko County for their assistance and support. She concluded the item by informing the Board that Early Bird Registration would conclude on August 31<sup>st</sup> and links to register could be found on the website and within the newsletter.
  
7. **(TIME CERTAIN: 10:00am) \* Presentation of NACO's 2022 Financial Audit, Michael Bertrand, Bertrand and Associates, LLC.** Fiscal Officer Kalt thanked the Board for their active oversight of the Association's finances and gave them an overview of the audit process and who participates in the gathering and dissemination of the necessary components. Mr. Bertrand reminded the Board of why audits are necessary and informed the Board that the Association had received an Unqualified or 'clear' opinion for the year. He then directed their attention to the materials included in the agenda packet and discussed changes to the GASB rules regarding leases and the necessary adjustments to the accounting processes they require. He also discussed the adjustments to pension liabilities based on updates to the PERS contributions. Fiscal Officer Kalt then gave an overview of the Association's year end-financial statements and a summary of the overall strong fiscal position. Commissioner Gardner noted that while it appears that some losses were realized in the investment accounts on paper that those were likely due to differences in book and market values. Fiscal Officer Kalt concluded the item by informing the Board that he and Vinson recently met with the local banking officer to maximize the current cash on hand. The 2022 Financial Audit was approved on a motion by Commissioner Gardner with second by Vice President Hall.
  
8. **Approval of NACO's March, April and May 2023 Financial Statements.** Vinson directed the Board's attention to the materials included in the agenda packet, reminding them that the financial statements are brought to them on a quarterly basis. He noted that the Association's expenses and revenues remain on target with the approved budget and that strong Annual Conference revenues are expected. The financial statements were approved on a motion by Vice President Hall with second by Commissioner Herman.
  
9. **Approval of NACO's April, May, June and July 2023 Investment Reports.** Vinson directed the Board to the back up materials included with the agenda and reminded the Board that the Association's investments continue to be made in accordance with the approved policy. The investment reports were approved on a motion by Commissioner Waits with second by President Elect Giomi.
  
10. **(TIME CERTAIN: 10:30am) \* Discussion and Presentation Regarding Assembly Bill (AB) 391, From the 82<sup>nd</sup> Session of the Nevada Legislature, Craig Madole, CEO, Nevada Chapter Associated General Contractors.** Alexis Motarex presented the item on behalf of Mr. Madole. She gave the Board an overview of the Bill and the Chapter's concerns along with the unintended consequences of the Bill's passage. She specifically discussed the lack of Project Labor Agreements (PLA) across the state and that there are no provisions that ensure local contractors and labor resources are used on projects. She discussed alternative processes for support of Nevada's workforce and the potential for increased project costs. Past President Kirkpatrick noted Ms. Motarex's concerns and stated that the PLA process will work best in Clark County, where they have had issues with low bidders not using local labor resources. She also noted that while Clark County does find advantage with the Bill, they did work to make it permissive noting that the other counties who don't have the same issues are not subject to the requirement.

- 11. Presentation and Overview of the Child Care Services and Program at the State of Nevada, including, but not limited to, County Level Partnerships and Discussion of Local Regulation Zoning, and Business Licensing Fees, Karissa Loper Machado, Agency Manager, Child Care and Development Program, Nevada Department of Health and Human Services.** Ms. Loper Machado gave the Board an overview of the program including the administration of some funding through block grants. She discussed collaboration with other stakeholders to improve the availability of childcare in Nevada. She informed the Board that Nevada is considered a “childcare desert”, noting that there is only one licensed childcare slot for every three children statewide and that to effectively afford childcare a family of four, with two working parents, in Carson City would need to earn \$103,000 annually. She also informed the Board that the same family would stop being eligible for subsidies when their income reached \$72,000. Ms. Loper Machado gave the Board an overview of the economic impacts to not only families, but for businesses and to the greater tax base when sufficient childcare is not available. She then discussed the current statutes governing the licensing of childcare providers and challenges with supply, including capital costs and zoning restrictions. President Elect Giomi inquired as to the number of children being cared for that triggers the need for licensure and Ms. Loper Machado stated that under the family, friend, neighbor designation the number is 4. If all children are being cared for are family members, there is no license requirement. She concluded her presentation by giving examples of how local governments can help to bolster the supply of childcare providers, including adopting less restrictive zoning regulations and co-location of childcare and child development programs. Amy inquired as to if the Program had county level data and Ms. Loper Machado stated that the State does have the data and she would forward it.
- 12. Update from NACO Public Health Coordinator.** Amy encouraged the Board to request their individual County Health Officers to register for the Annual Conference and gave an overview of the panel on Community Health Collaboration that would take place on the Tuesday afternoon of the conference.
- 13. Update and Possible Action. Regarding Public Lands and Natural Resources Issues Affecting Counties Including:**

  - a. Updates from the NACO Public Lands and Natural Resources Subcommittee.** Vice President Hall noted that it was the second meeting the Subcommittee had hosted during the month due to the need to reschedule the July meeting. She informed the Board that they had discussed proposed revisions to the NEPA process and that comments had been submitted on proposed changes to the Endangered Species Act. The group also discussed wild horse and burro gathers that had been taking place and that State Senator Hansen had offered assistance with regards to those counties that were considering emergency declarations. Commissioner Waits inquired as to how many counties had passed declarations, noting that Lander County was hoping for nine to be passed before taking the issue to the Governor’s Office. The upcoming debate in Elko (County) regarding the issue was also discussed.
  - b. Discussion and Approval of NACO Staff to Support Counties During Cooperating Agency Status.** Jacob discussed the standing meetings that staff has initiated with BLM State Director Raby. He discussed some of the challenges that arise in coordination during Cooperating Agency relationships and how counties could benefit from NACO support due to required non-disclosure agreements. He suggested that the NACO Natural Resources Manager could be designated to

participate in all County-BLM Cooperating Agency agreements. He informed the Board that Director Raby is in favor of the proposal. Vinson reminded the Board that NACO has previously participated on a cases-by-case basis such as during the recent expansion of the Fallon Range Training Complex expansion. He also noted that having permanent Cooperating Agency Status is one more way for NACO to provide consistent support to counties. Vice President Hall stated that it is an excellent idea and will ensure that counties don't lose important involvement when they are subject to limited staff and availability. The participation of NACO as a Cooperating Agency with designation of the Natural Resources Manager as the representative was approved on a motion by Vice President Hall with second by Commissioner Gardner.

14. **Updates from Members of the National Association of Counties Board of Directors and Western Interstate Region (W.I.R.) Board of Directors.** Past President Kirkpatrick informed the Board that NACo had released their housing report and that she was pleased to see that Nevada had been highlighted by the National Association for the Central Nevada Health District and the camp recently opened by Lincoln and Clark Counties with support from Extension.
15. **NACO Board Member Updates.** Members of the Board gave updates on activities within their counties.
16. **Public Comment.** President Elect Giomi encouraged the Board to register for the Annual Conference and reminded them that Elko County will be hosting a golf tournament. Jerry Annas thanked the Board for their conversations regarding the wild horse and burro issues and encouraged attendance at the upcoming debate in Elko between State Senator Hansen and an animal rights proponent.

The meeting was adjourned at 11:11 a.m.

# 2024

## NACO Meeting and Event Calendar – Draft

NACO Board Meetings - NACO Annual Conference (Carson City)

WIR Conference - National Association Conferences

Recognized Holiday's (NACO Offices Closed)

### January

S	M	T	W	T	F	S
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### February

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### April

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Meeting to be held in an eastern rural county.

### July

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### August

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### September

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### November

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### December

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Meeting to be held in Clark County.

## Agenda Item 7

Senate Bill No. 425—Senators Dondero Loop, Lange; Cannizzaro, Daly, D. Harris, Neal, Nguyen, Ohrenschall and Scheible

### CHAPTER.....

AN ACT relating to education; creating the Commission on Innovation and Excellence in Education; providing for the membership and duties of the Commission; making appropriations; and providing other matters properly relating thereto.

#### Legislative Counsel’s Digest:

This bill creates the Commission on Innovation and Excellence in Education for the purposes of developing a statewide vision and implementation plan to improve the education system in this State. **Section 3** of this bill creates the Commission and prescribes the membership of the Commission, consisting of 24 persons representing a variety of stakeholders. **Section 4** of this bill requires the Commission to: (1) conduct a study comparing the education policies of this State to those of high-performing international and domestic education systems; (2) make recommendations on how to adapt the appropriate education policies of those high-performing education systems into the public education system in this State; (3) make recommendations on how to put the performance of pupils in this State in parity with the performance of those pupils in high-performing education systems; (4) incorporate any relevant findings of any previous or ongoing studies related to funding for education; and (5) develop an implementation plan for the recommendations made, including an analysis of the costs involved. **Section 5** of this bill makes an appropriation to the Commission for travel expenses for members of the Commission. **Section 6** of this bill makes an appropriation to the Commission for the Commission to enter into a contract with an organization to assist in the work of the Commission.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, “Commission” means the Commission on Innovation and Excellence in Education created by section 3 of this act.*

**Sec. 3. 1.** *The Commission on Innovation and Excellence in Education is hereby created. The Commission consists of:*

*(a) Three members who are Senators, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;*





*(b) Three members who are members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;*

*(c) The Superintendent of Public Instruction;*

*(d) The Director of the Office of Finance;*

*(e) The Chancellor of the Nevada System of Higher Education;*

*(f) One member who is a representative of the State Board of Education, appointed by the President of the State Board;*

*(g) One member who is a teacher and member of the Nevada State Education Association, appointed by the President of that Association;*

*(h) One member who is a teacher and member of the Clark County Education Association, appointed by the President of that Association;*

*(i) One member appointed by the Nevada Association of School Administrators;*

*(j) One member who is a member of the board of trustees of a school district, appointed by the Nevada Association of School Boards;*

*(k) One member who is a superintendent of schools of a school district, appointed by the Nevada Association of School Superintendents;*

*(l) One member who is the chief financial officer of a school district, appointed by the Association of School Business Officials International;*

*(m) One member appointed by the Nevada Association of Counties;*

*(n) One member appointed by the Nevada League of Cities;*

*(o) One member who is the representative of an organization that advocates for public education, appointed by the Superintendent of Public Instruction;*

*(p) One member who is the parent or guardian of a pupil who is enrolled in a public school in this State, appointed by the Nevada Parent Teacher Association;*

*(q) One member who is a representative of the public at large, appointed by the Governor;*

*(r) Two members who own or manage a business located in this State, appointed by the Governor; and*

*(s) One member who serves on the Commission on School Funding created by NRS 387.1246.*



2. *In appointing the members of the Commission described in paragraphs (g) and (h) of subsection 1, the appointing authorities shall coordinate the appointments so that:*

(a) *One member is a teacher in an elementary school and one member is a teacher in a secondary school, respectively; and*

(b) *One member is a teacher in a public school in an urban setting and one member is a teacher in a public school in a rural setting, respectively.*

↳ *The appointing authorities shall, in appointing a member at the beginning of each term, alternate the characteristics described in paragraphs (a) and (b) so that each member appointed to the Commission does not possess the same characteristic in consecutive terms.*

3. *If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the organization's successor in interest or, if there is no successor in interest, by the Governor.*

4. *In appointing the members of the Commission described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Commission represent the diversity of this State, including, without limitation, regional, ethnic, economic and gender diversity.*

5. *Each member of the Commission:*

(a) *Serves without compensation; and*

(b) *While engaged in the business of the Commission, is entitled to receive the travel expenses provided for state officers and employees generally.*

6. *Each appointed member of the Commission serves a term of 2 years and may be reappointed for additional terms of 2 years in the same manner as the original appointment. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.*

7. *The Superintendent of Public Instruction shall call the first meeting of the Commission. At its first meeting and annually thereafter, the members of the Commission shall elect a Chair and a Vice Chair from among the members of the Commission.*

8. *The Commission shall meet at least once each calendar quarter and as needed at the call of the Chair.*

9. *The Commission may appoint subcommittees to address designated projects or consider specific problems or other matters that are related to and within the scope of the functions of the*



*Commission, as the Commission determines necessary to carry out the duties of the Commission.*

*10. The Department shall provide any administrative support necessary for the Commission to carry out its duties.*

**Sec. 4. 1.** *The Commission shall develop a statewide vision and implementation plan to improve the public education system in this State. The Commission shall:*

*(a) Conduct a benchmarking or gap analysis study comparing the education policies of this State to the education policies of high-performing international and domestic education systems.*

*(b) Make recommendations on how to adapt the appropriate education policies of high-performing international and domestic education systems into the public education system in this State.*

*(c) Identify objectives to put the education performance of pupils in this State in parity with that of pupils in high-performing international and domestic education systems and make recommendations on how to meet the identified objectives.*

*(d) Review the findings of any previous or ongoing studies related to the funding of education and incorporate any relevant findings.*

*(e) Develop an implementation plan for the recommendations made pursuant to this section which includes an analysis of the costs of the plan.*

*2. The Commission may employ and contract with the National Center on Education and the Economy or an organization with similar expertise and qualifications to carry out any of its functions pursuant to this section.*

*3. The Commission may coordinate with educational entities and business entities for information and expertise as necessary to carry out any of its functions pursuant to this section.*

*4. On or before June 30 of each year, the Commission shall submit a written report of its findings to the Governor, the Superintendent of Public Instruction, the Legislative Commission and the Joint Interim Standing Committee on Education.*

**Sec. 5. 1.** There is hereby appropriated from the State General Fund to the Commission on Innovation and Excellence in Education created by section 3 of this act, for travel expenses of the members of the Commission the following sums:

For the Fiscal Year 2023-2024 .....	\$12,500
For the Fiscal Year 2024-2025 .....	\$12,500

*2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal*



years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

**Sec. 6.** 1. There is hereby appropriated from the State General Fund to the Commission on Innovation and Excellence in Education created by section 3 of this act the sum of \$250,000 for the Commission to enter into a contract with an organization to assist in the work of the Commission pursuant to subsection 2 of section 4 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

**Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 8.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of appointing members to the Commission on Innovation and Excellence in Education created by section 3 of this act and performing any other administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.



XXXXXX

Nevada Supreme Court  
Attn: Elizabeth A. Brown, Clerk of the Supreme Court  
201 South Carson Street  
Carson City, Nevada 89701

**RE: ADKT 0611, with the amendment**

Dear Justices of the Nevada Supreme Court and Ms. Brown,

On behalf of the Nevada Association of Counties (NACO) Board of Directors, the statewide association which represents all seventeen of Nevada's counties, we thank you for introducing ADKT0611 for the adoption of SCR 49.5 and we are fully supportive of the adoption of this proposed rule and amendment.

Every county in Nevada provides for public defense of indigent persons. As you know, in Nevada, Counties fund an agreed upon portion for these services (maximum contribution formula), with the State of Nevada funding any additional mandates or costs to deliver public defense.

Having an adequate and robust public defense system is crucial to the delivery of fair and equitable justice and meeting the goal of equal treatment under the law. However, currently all levels of government, especially our rural communities, are suffering from a critical shortage of professionals that can be employed in these public interest areas. This proposed rule change, with the amendment proposed by the Department of Indigent Defense Services (DIDS), could assist in increasing the pipeline of eager professionals interested in public service. It would be a welcomed recruitment tool for helping rural counties staff their district attorney and public defender offices.

Should you have any questions, do not hesitate to reach out directly to myself via email: [vguthreau@nvnaco.org](mailto:vguthreau@nvnaco.org)

Sincerely,

Vinson Guthreau  
Executive Director

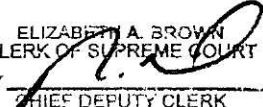
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION  
OF SUPREME COURT RULE 49.5

ADKT 0611

FILED

JUL 27 2023

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

*PETITION*

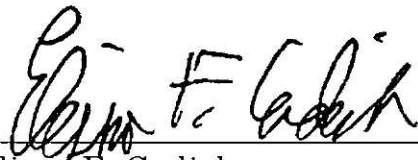
Elissa F. Cadish, Associate Chief Justice of the Nevada Supreme Court and Co-Chair of the Access to Justice Commission, petitions the Nevada Supreme Court on its administrative docket to adopt Supreme Court Rule (SCR) 49.5 to allow limited practice of law under the supervision of organized legal services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

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

23-24120

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

Respectfully submitted,

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

Elissa F. Cadish  
Associate Chief Justice

## EXHIBIT A

### ADOPTION OF SUPREME COURT RULE 49.5

#### **Rule 49.5. Limited practice for Supervised Legal Practitioners.**

1. **Eligibility.** Application for limited practice for law school graduates employed by or associated with an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters, and supervised by a member of the State Bar of Nevada who meets the eligibility requirements as a supervising lawyer.

2. **Requirements.** A graduate applying for limited certification as a supervised legal practitioner under this rule shall:

(a) Have completed a full course of study and graduated with a juris doctorate or equivalent law degree from a law school approved by the American Bar Association;

(b) Intend to become a member of the Nevada bar;

(c) Not have been denied admission to the practice of law in Nevada for any reason except for failing to attain a passing score on any examination;

(d) Certify that the applicant is not currently subject to discipline for academic dishonesty or the subject of a pending disciplinary matter in any jurisdiction; and

(e) Apply for certification with the Nevada state bar pursuant to this rule using the attached form or a different form furnished by the Nevada state bar.

(1) The application shall include a written certification that the applicant has read and is familiar with the Model Rules of Professional



Conduct of the American Bar Association and the Rules of Professional Conduct of this court and will abide by the same in the activities permitted by this rule. The filing of an application pursuant to this rule is deemed a consent by the applicant to be subject to all disciplinary processes of the court and the state bar. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by suspension or forfeiture of the applicant's privilege of taking the bar examination and being licensed to practice law in this state.

(2) The application must be accompanied by a statement from the applicant's supervising attorney, on a form substantially similar to the form Declaration of the Supervising Lawyer Pursuant to Rule 49.5, attesting that the applicant will be a full-time employee or otherwise associated with the organization in a full-time capacity except for periods when studying or sitting for the Nevada Bar examination and that the nature of the employment conforms to the requirements of this rule.

### **3. Certification.**

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

(b) The certification may be terminated by the state bar at any time without notice or hearing and without any showing of cause by mailing a notice of such termination to the supervised legal practitioner and the supervising lawyer.

(c) The certification terminates automatically whichever occurs sooner:

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

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

(3) If the supervised legal practitioner leaves the employ of an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters, except for employment with a different organized legal services program as described herein.

**4. Supervision.** A “supervising lawyer” shall mean either a member of the state bar in active practice employed by an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters. A supervising lawyer shall:

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

(b) Supervise not more than two (2) supervised legal practitioners concurrently.

(c) Personally assume professional responsibility for all work undertaken by the supervised legal practitioner while under the lawyer’s supervision.

(d) Assist and counsel the supervised legal practitioner in the activities permitted by this rule and review such activities to the extent necessary for the proper training of the practitioner and protection of the person on whose behalf the legal practitioner is appearing.

(e) Not be required to be continuously personally present throughout the activities permitted under subsection 5 after a period of time deemed appropriate by the supervising lawyer.

(f) Be responsible to the court for all filings, and the supervising lawyer's name must be on all pleadings, briefs, or other papers prepared by the supervised legal practitioner for filing; and the supervising lawyer must read and approve any documents prepared by the supervised legal practitioner for execution by any person before submission to that person.

(g) Notify the state bar in writing promptly whenever supervision of the supervised legal practitioner pursuant to this rule ceases, unless by reason of automatic termination pursuant to section 3(c)(1) or (2) above.

**5. Activities permitted under this rule.** Under the limited application of this rule, the supervised legal practitioner may, under the supervision of a supervising lawyer, but without requiring the supervisor's continued presence after a period deemed appropriate by the supervising lawyer, engage in the following activities:

(a) Appear in any state court, a legislative body or an administrative tribunal without the presence of the supervising lawyer. The supervised legal practitioner shall announce their appearance as a supervised legal practitioner at the beginning of any hearing or proceeding.

(b) Prepare documents to be filed in any state court or with a legislative or administrative body. The supervised legal practitioner shall announce their appearance as a supervised legal practitioner at the beginning of any hearing or proceeding.

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

(d) Negotiate and mediate the settlement of claims and disputes.

(e) Prepare and mail correspondence.

(f) Counsel and give legal advice.

The legal services organization shall notify the client that a supervised legal practitioner may represent them during the pendency of the case.

**6. Use of supervised legal practitioner's name.** The name of a supervised legal practitioner under this rule may properly be:

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

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

**7. Compensation.** A supervised legal practitioner may neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf he or she renders service. This shall not prevent a nonprofit organization rendering legal aid to indigent persons from compensating the supervised legal practitioner for his or her services and from applying to the court for attorney's fees in appropriate cases.

**8. Other Lawful Acts.** Nothing in this rule shall affect the right of any supervised legal practitioner who is not admitted to practice law to engage in any legal-related services he or she might lawfully do otherwise.

**9. Place of filing.** All documents required to be filed with the state bar by this rule shall be filed with the admissions director of the state bar.

## EXHIBIT B

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

IN THE MATTER OF THE APPLICATION  
FOR LIMITED LICENSURE OF

\_\_\_\_\_

AS A SUPERVISED LEGAL PRACTITIONER.

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

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

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

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

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

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

IN THE MATTER OF THE APPLICATION  
FOR LIMITED LICENSURE OF

\_\_\_\_\_

AS A SUPERVISED LEGAL PRACTITIONER.

DECLARATION OF SUPERVISING LAWYER PURSUANT TO  
SUPREME COURT RULE 49.5

I hereby certify as follows:

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

2. I am employed by \_\_\_\_\_, an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters.

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

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

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

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

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



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

DATED: \_\_\_\_\_

\_\_\_\_\_  
Supervising Lawyer

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Employer Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Bar Number