IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: COVID-19 EMERGENCY DISCIPLINARY HEARING PROCEDURES.

ADKT 0565

FILED

OCT 08 2020

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

ORDER AMENDING SUPREME COURT RULE 105

WHEREAS, on August 20, 2020, the Board of Governors of the State Bar of Nevada filed a petition in this court seeking an order mandating disciplinary proceedings be conducted via simultaneous audio/visual transmission until the health and safety concerns over transmission of COVID-19 subside; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on September 24, 2020; and

WHEREAS, we conclude that an amendment to Supreme Court Rule 105 permitting disciplinary hearings to be conducted remotely is appropriate; accordingly,

IT IS HEREBY ORDERED that Supreme Court Rule 105 shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to supreme Court Rule 105 shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the

accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 8TH day of October, 2020.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Eric Dobberstein, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO SUPREME COURT RULE 105

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2. **Commencement of formal proceedings.**

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(d) Time to conduct hearing; notice of hearing; discovery of evidence against attorney. The hearing panel shall conduct a hearing within 45 days of assignment and give the attorney at least 30 days' written notice of its time and place. The notice shall be served in the same manner as the complaint, and shall inform the attorney that he or she is entitled to be represented by counsel, to cross-examine witnesses, and to present evidence. The notice shall be accompanied by a summary prepared by bar counsel of the evidence against the attorney, and the names of the witnesses bar counsel intends to call for other than impeachment, together with a brief statement of the facts to which each will testify, all of which may be inspected up to 3 days prior to the hearing. Witnesses or evidence, other than for impeachment, which became known to bar counsel thereafter, and which bar counsel intends to use at the hearing, shall be promptly disclosed to the attorney. For good cause shown, the chair may allow additional time, not to exceed 90 days, to conduct the hearing. Hearings may be conducted remotely by stipulation of the parties or when ordered by the panel chair, for good cause shown.