

Nevada Supreme Court Rule 49.10

Rule 49.10. Limited practice of attorneys employed in government or as in-house counsel.

1. Who may apply. Notwithstanding the provisions of Rule 49, an attorney who is admitted to practice law in any other jurisdiction, and who is employed exclusively for a single governmental entity or as in-house counsel for a single corporation (including its subsidiaries and affiliates), association, partnership, or other business entity situated in or qualified to do business in Nevada, whose lawful business consists of activities other than the practice of law or the provision of legal services, may be certified to limited practice in this jurisdiction subject to the conditions of this rule and to such further conditions as the court may hereafter direct.

2. Procedure for applying. An attorney applying for certification under this rule shall file the following documents and fees with the State Bar of Nevada at its Las Vegas, Nevada, office:

(a) **Verified certificate.** To be certified under this rule, an applicant shall file an original and one (1) copy of a verified certificate, on a form supplied or approved by the State Bar of Nevada, which shall include all of the following:

- (1) The attorney's residence and office address;
- (2) The name, address, and telephone number of the attorney's employer;
- (3) The courts before which the attorney has been admitted to practice and the dates of admission;
- (4) That the attorney is currently a member in good standing of, and eligible to practice law before, the bar of those courts;
- (5) That the attorney is not currently on suspension or disbarred from the practice of law before the bar of any court; and
- (6) That the attorney agrees to be subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Nevada.

(b) **Certificate of good standing.** A certificate from the state bar or clerk of the supreme court or highest admitting court of each state, territory, or insular possession of the United States in which the applicant has been admitted to practice law certifying the applicant's membership and good standing therein.

(c) **Employer affidavit.** An affidavit signed by the applicant's immediate governmental supervisor or an officer, director, or general counsel of the attorney's employer attesting that:

- (1) The applicant is a bona fide full-time employee;
- (2) The nature of the employment conforms to the requirements of this rule; and
- (3) The affiant will notify the State Bar of Nevada within thirty (30) days after the applicant ceases to be so employed.

(d) **Evidence of character and fitness.** Affidavits signed by two (2) members of each bar where the applicant has been admitted or other evidence satisfactory to the State Bar of Nevada establishing the applicant's good moral character and fitness to practice law.

(e) **Application fee.** A non-refundable application fee of \$250.

(f) **Annual fee.** An annual fee equivalent to the annual membership dues paid by active members of the State Bar of Nevada of comparable longevity.

(g) Such other information or documentation as the State Bar of Nevada may request in the course of its investigation.

3. **Certificate containing false information.** An applicant who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of members of the State Bar of Nevada shall be subject to the disciplinary jurisdiction of the Supreme Court of Nevada and the State Bar of Nevada with respect to any of his or her acts occurring in the course of the work performed.

4. **Review by state bar and certification by state bar.** The State Bar of Nevada shall investigate each application and, if necessary, interview the applicant. The state bar may grant the application and permit the attorney to practice in Nevada, subject to the restrictions of this rule.

5. **Bar membership.** An attorney certified to practice under this rule does not qualify for active membership in the State Bar of Nevada.

6. **Activities permitted under this rule.** An attorney certified under this rule may render legal advice and services to, and communicate and negotiate with third persons on behalf of, the attorney's employer,

other employees, or the employer's subsidiaries and affiliates in matters related to the business of the employer.

7. Limitations of activities.

(a) Unless otherwise permitted by law, an attorney certified under this rule may not:

(1) Appear as counsel of record for the employer in Nevada in any court, before any administrative or political agency, or in any arbitration, mediation, or alternative dispute resolution proceeding which is court ordered or annexed or authorized by law or administrative rule;

(2) Render legal advice or services to the public or to anyone other than the attorney's employer, other employees, or the employer's subsidiaries and affiliates; or

(3) Hold himself or herself out to the public as an attorney so authorized or engaged.

(b) All business cards and employer letterhead used by an attorney certified under this rule in Nevada shall clearly indicate that the attorney is certified to practice in Nevada as governmental or in-house counsel.

8. Continuing legal education. During the time an attorney is certified under this rule, the attorney shall comply with the same requirements for continuing legal education as may be prescribed for active members of the State Bar of Nevada.

9. Discipline. Attorneys certified under this rule shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Nevada. He or she shall familiarize himself or herself and comply with the standards of professional conduct required by members of the State Bar of Nevada. The rules of the Supreme Court of Nevada shall govern in any investigation or proceeding conducted by the State Bar of Nevada under this rule.

10. Renewal of certification.

(a) On or before March 1 of each year, an attorney certified under this rule must certify to the State Bar of Nevada that:

(1) The attorney is still employed by the same employer that submitted the affidavit required under subsection 2(c) of this rule;

(2) The attorney has complied with the continuing education requirements prescribed for active members of the State Bar of Nevada; and

(3) The attorney is still in good standing before the courts before which the attorney has been admitted to practice.

(b) An attorney certified under this rule who continues to perform legal services shall remit to the State Bar of Nevada by March 1 of each year, a fee equivalent to the annual membership dues paid by active members of the State Bar of Nevada of comparable longevity.

11. Failure to renew.

(a) An attorney certified under this rule who continues to perform legal services for an employer and fails to provide the proper certification or pay the renewal fees set forth in subsection 10 of this rule shall be suspended from practicing law upon expiration of a period of thirty (30) days after the anniversary date.

(b) The executive director of the State Bar of Nevada shall notify the attorney certified under this rule, and the entity employing that attorney of the suspension.

12. Reinstatement after failure to renew certification. An attorney certified to practice under this rule who has been suspended from that practice under subsection 11 of this rule may be reinstated upon compliance with the requirements of subsection 10 of this rule and the payment of a late penalty of \$50. Upon payment of all accrued fees and the late penalty, the executive director may reinstate the attorney and shall notify the attorney and the entity employing the attorney of the reinstatement.

13. Termination. Certification to practice under this rule shall terminate whenever the attorney ceases to be employed by the employer submitting the affidavit under subsection 2(c) of this rule. The employer shall promptly notify the State Bar of Nevada in writing whenever the attorney's employment ceases. Attorneys certified to practice under this rule who cease to be employed as required by this rule shall not retain membership with the State Bar of Nevada and shall not be considered for active membership unless they have made application for admission and have been examined in accordance with Rules 49 to 75, inclusive, in the same manner as all other applicants.