

EXHIBIT D

AMENDMENT TO SUPREME COURT RULES 210, 212, 213, 215

Rule 210. Minimum continuing legal education requirements. To meet the annual minimum continuing legal education requirements imposed by these rules, each attorney subject to these rules must timely: submit an annual fee, complete the requisite number of credit hours, and submit an annual compliance report.

1. **Annual [~~Fee.~~] fee.** The amount of the annual fee is \$40, made payable to the Nevada Board of Continuing Legal Education, and must be postmarked on or before [~~March 1~~] February 15 of the year for which the fee is required to be paid.

2. **Credit hours.**

(a) Subject to the carry forward provisions of subparagraph (c), a minimum of twelve (12) hours of accredited educational activity, as defined by the regulations adopted by the board, must be completed by December 31 of each year. Of the twelve (12) hours, at least two (2) shall be exclusively in the area of ethics and professional conduct. At least one (1) hour every three (3) years shall be exclusively in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence. In a year in which the attorney is subject to the requirement in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence, the attorney shall complete at least nine (9) hours of general continuing legal education, at least two (2) hours exclusively in the area of ethics and professional conduct, and at least one (1) hour exclusively in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence; in the remaining two years of the

three-year cycle, the attorney shall complete at least ten (10) hours of general continuing legal education and at least two (2) hours exclusively in the area of ethics and professional conduct. Credit hours in the area of ethics and professional conduct, and credit hours in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence, shall be tracked separately from general educational credit hours.

(b) The three-year cycle for completion of the requirement regarding substance abuse, addictive disorders and/or mental health issues that impair professional competence shall be determined as follows:

(1) Attorneys subject to these rules must complete the requirement within the same calendar year that this amendment becomes effective; except that attorneys who completed the requirement in the calendar year preceding this amendment shall receive credit as though they completed it within the same calendar year that this amendment becomes effective.

(2) Attorneys entitled to an exemption pursuant to Rule 214(1)(a) must complete the requirement within the same calendar year in which they are first subject to continuing legal education requirements.

(3) Attorneys who, for reasons other than an exemption pursuant to Rule 214(1)(a), become subject to these rules subsequent to or in the same calendar year that this amendment becomes effective, must complete the requirement within the same calendar year in which they become subject to these rules.

(c) Any attorney subject to these rules who completes more than twelve (12) hours of accredited educational activity in any calendar year may carry forward up to twenty (20) hours of excess credit and apply the same to the

attorney's general educational requirement for the next two (2) calendar years. Likewise, any attorney subject to these rules who completes more than two (2) hours of ethics and professional conduct credit in any calendar year may carry forward up to four (4) hours of excess credit and apply the same to the attorney's ethics and professional conduct educational requirement for the next two (2) calendar years.

(d) Any attorney subject to these rules who completes more than one (1) hour in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence in a three-year cycle may not carry forward the excess credit hours to the next three-year cycle, but may have the excess hour(s) credited toward the attorney's ethics and professional conduct requirement, subject to the carry forward provisions set forth in subparagraph (c) above. Excess hour(s) in the area of ethics and professional conduct may be credited toward the attorney's general educational requirement, subject to the carry forward provisions set forth in subparagraph (c) above.

3. Annual [~~compliance report.~~] transcript. [~~A properly completed and verified written compliance report must be submitted to the board, and must be postmarked on or before March 1 each year. The report must be submitted on a form to be provided by the board. The board shall, no later than six (6) weeks prior to the due date, send a compliance report form to each attorney subject to these rules. The report shall include the attorney's mailing address and shall state the attorney's compliance with the credit hour requirements during the preceding calendar year. It shall not be a defense to noncompliance that the attorney did not receive the compliance report form.~~]

(a) At least thirty (30) days prior to the annual reporting date, the board shall provide a transcript of completed educational credits to each active attorney by posting transcripts online. To avoid being delinquent and in compliance with these rules, the attorney must report additional credits, corrections, or changes to the transcript to the board prior to the annual reporting date.

(b) The attorney whose transcript indicates compliance with the CLE requirements may assume he or she is in compliance.

(c) The board shall establish regulations providing for review of its determination of the CLE credits earned by an attorney and for resolving disputes.

Rule 212. Penalties for noncompliance.

1. **Procedure in event of noncompliance.** An attorney who is subject to these rules and who fails to timely comply with their provisions shall be subject to the following:

(a) **Extension fee for additional time to complete requisite continuing education credit hours.** In the event that an attorney subject to the requirements of Rule 210(2) fails to complete the requisite continuing education credit hours by December 31, the board may grant, upon written request, an extension of time to ~~[March 1]~~ February 15 to obtain credits to cure the deficiency from the preceding calendar year. The request for an extension of time must be accompanied by an extension fee of ~~[\$50.]~~ \$100. The fee for an extension of time is separate from and in addition to the annual fee. Once an extension fee is paid, it is nonrefundable.

(b) **Late fee for failure to timely pay annual fee or submit** ~~[compliance report; notice of noncompliance.]~~ proof of sufficient

educational credits to be in compliance. In the event that an attorney subject to the requirements of Rule 210 fails to meet the ~~[March 1]~~ February 15 deadline for paying the annual fee and/or ~~[submitting the annual compliance report,]~~ completion of required educational credits, the board shall assess a late fee of ~~[\$100.]~~ \$250. The late fee is separate from and in addition to the annual fee and any other fees owed. The late fee shall be assessed in a notice of noncompliance, which shall be mailed by the board via first-class mail to the attorney's last known address on or about ~~[April 1.]~~ March 1. The notice of noncompliance shall:

(1) state the manner in which the attorney has failed, or appears to have failed, to comply with the requirements of Rule 210 resulting in a deficiency;

(2) advise the attorney that to cure the deficiency the attorney must comply with the applicable rules and pay all applicable fees including late fees; and

(3) advise the attorney that to avoid being ~~[the subject of a petition for suspension,]~~ administratively CLE suspended, the deficiency must be completely cured on or before ~~[May 1.]~~ April 1. It shall not be a defense to noncompliance that the attorney did not receive the notice of noncompliance.

2. ~~[Petition for suspension. Failure to timely comply with the provisions of these rules shall result in the board placing the attorney's name on a petition to be filed with the court to have the attorney's status changed to CLE suspended and to be barred from practicing law in the State of Nevada until such time as the attorney is reinstated pursuant to Rule 213. The petition shall conform, to the extent practicable, to the requirements of NRAP 21 and shall be~~

~~served on the attorney via certified mail to the attorney's last known address on or about June 1. It shall not be a defense to noncompliance that the attorney did not receive the petition.~~

~~3. Order to show cause. The court, after reviewing the petition, may order the attorney to show cause why the attorney's status should not be changed to CLE suspended and why the attorney should not be barred from practicing law in the State of Nevada until such time as the attorney is reinstated pursuant to Rule 213.]~~
Administrative CLE suspension. An attorney who does not completely cure any deficiency on or before April 1 will be administratively CLE suspended.

[4.] 3. [Consent to dismissal;] Reinstatement to active status;
increased penalties for repeat offenders.

(a) ~~[Consent to dismissal.]~~ Reinstatement. In the event that an attorney who has been placed on ~~[a petition]~~ administrative CLE suspension pursuant to subsection 2 demonstrates compliance with these ~~[rules prior to suspension by the court,]~~ rules, the board may ~~[consent to dismissal of the petition with prejudice as to that attorney,]~~ reinstatement subject to the payment of the requisite fee.

(b) Fee: penalties for repeat offenders. The fee for processing the ~~[consent to dismissal]~~ reinstatement shall be as follows:

(1) \$250 the first time an attorney has been placed on ~~[petition]~~ CLE suspension in the preceding five-year period.

(2) \$350 the second time an attorney has been placed on ~~[petition]~~ CLE suspension in the preceding five-year period.

(3) \$550 the third time an attorney has been placed on ~~[petition]~~ CLE suspension in the preceding five-year period.

(4) \$850 the fourth time an attorney has been placed on ~~[petition]~~ CLE suspension in the preceding five-year period.

(5) \$1,250 the fifth time an attorney has been placed on ~~[petition]~~ CLE administrative suspension in the preceding five-year period. The ~~[consent to dismissal]~~ reinstatement fee is separate from and in addition to any other ~~[fees owed.]~~ fees, and the payment of the fee does not excuse the attorney from compliance with Rule 210 for each and every year the attorney is or was noncompliant.

~~[5.]~~ 4. Order of CLE administrative suspension; publication required; other requirements. ~~[If an]~~ An attorney placed on ~~[petition and ordered to show cause under this rule fails to demonstrate cause as ordered, the court may order the attorney suspended for noncompliance with these rules. The order of suspension shall be]~~ administrative CLE suspension shall have his or her name published in the state bar's official publication. In the event that the [court suspends an] attorney is administratively CLE suspended for noncompliance with these rules, the attorney is not entitled to engage in the practice of law in the State of Nevada until such time as the attorney is reinstated under Rule 213. An attorney who is suspended for noncompliance with these rules must comply with Rule 115. If the attorney fails to comply with Rule 115, then the board shall proceed under Rule 118. The board shall also comply with Rule 121.1.

~~[6.]~~ 5. Multiple suspensions; referral to state bar. In the event that an attorney is ~~[suspended by the court]~~ administratively CLE suspended for noncompliance with all or any portion of these rules more than once within a five-year period, that attorney shall be referred by the board to the state bar for appropriate disciplinary action.

Rule 213. Reinstatement to active status.

1. **Application for reinstatement.** If an attorney has been suspended as a result of noncompliance with all or any portion of these rules, the attorney may apply for reinstatement as follows:

(a) **Application.** The attorney must file with the board a reinstatement application, properly verified and fully and accurately completed, in a form approved by the board.

(b) **Reinstatement fee.** The reinstatement application must be accompanied by a fee [~~of \$500.~~] as set forth in Rule 212(3)(b). The reinstatement fee is separate from and in addition to the annual fee required to be paid for the year in which reinstatement is sought.

(c) **Reinstatement credits.** The reinstatement application must be accompanied by proof that the attorney has completed a minimum of fifteen (15) hours of accredited educational activity, at least six (6) of which must be exclusively in the area of ethics and professional [~~conduct~~] conduct, and one (1) credit in the area of substance abuse within the period of twelve (12) months immediately preceding the filing of the application with the board. This requirement is separate from and in addition to the annual credit requirement of Rule 210(2). In addition, for every year the attorney has been administratively CLE suspended, he or she must complete an additional requirement of five (5) additional credits.

2. **Approval by the board.** If the application for reinstatement appears satisfactory to the board, the board shall notify the clerk of the court and the state bar that the suspended attorney has completed the requirements for reinstatement, and, so long as the sole condition of reinstatement is compliance with Rule 213, the suspended attorney shall become automatically reinstated upon receipt by the clerk of the court and

the state bar of the notice from the board stating that the attorney has complied with the requirements of this rule.

Rule 215. Reporting change of address; penalty for failure to timely report.

1. **Duty to notify of change of address.** Every attorney subject to these rules shall maintain a permanent mailing address, a current phone number and a current email address with the ~~[board to which all communications to the attorney shall be addressed.]~~ board. The attorney must advise the board of any change of ~~[address]~~ address, including change in email address, within thirty (30) days after such change. The obligations under this rule are separate and distinct from the requirements of Rule 79; therefore, compliance with Rule 79 is not deemed compliance with this rule.

2. **Penalty for failure to timely report change of address.** Failure to timely advise the board of a change of address or change of email address pursuant to this rule shall result in assessment of a penalty of ~~[\$150.]~~ \$200. The penalty for failure to timely report the attorney's change of address or email address is separate from and in addition to any other fees collected by the board. It is also separate and distinct from any fees collected by the state bar under Rule 79. Failure to comply with the provisions of this rule is also a basis for the ~~[attorney's name being placed on a petition for suspension pursuant to Rule 212(2).]~~ attorney being administratively CLE suspended.