

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS  
TO RULE OF PROFESSIONAL  
CONDUCT 8.4

ADKT 526

**FILED**

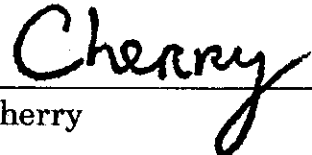
SEP 25 2017

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

*ORDER*

The Board of Governors of the State Bar of Nevada have filed a request to withdraw its petition filed on May 8, 2017, seeking to amend Professional Conduct 8.4 (Misconduct). Cause appearing, the request to withdraw the petition is granted.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Cherry

cc: Vernon Leverty, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Administrative Office of the Courts

# STATE BAR OF NEVADA

September 6, 2017

Chief Justice Michael Cherry  
Nevada Supreme Court  
201 South Carson Street  
Carson City, NV 89701-4702

## FILED

SEP 22 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK



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RE: ADKT 0526 (In the Matter of Amendments to Rule of professional Conduct 8.4.)

Dear Chief Justice Cherry:

The Board of Governors filed ADKT 0526 (In the Matter of Amendments to Rule of professional Conduct 8.4.). This ADKT is scheduled for public hearing on November 6, 2017. Many comments were filed in opposition to the ADKT that causing the Board to pause. The Board of Governors appreciates the Court's willingness to move the initial public hearing date to November to allow for more discussion by the Board of Governors.

At the August 30, 2017 meeting of the Board of Governors they discussed the submitted comments regarding this ADKT. Additionally, they heard a report from Rew Goodenow, Nevada's Delegate to the ABA House of Delegates. Mr. Goodenow provided feedback regarding the ABA Model Rules of Professional Conduct covering Rule 8.4 Misconduct as to how other jurisdictions handled this rule. With the consensus being that the language used in other jurisdictions was inconsistent and changing. Thus, the Board of Governors determined it prudent to retract ADKT 0526 with reservation to refile an ADKT when, and if the language in the rule sorts out in other jurisdictions.

Therefore, the Board of Governors respectfully requests that the Court withdraw ADKT 0526.

I am available to provide additional information as requested by the Court.

Respectfully,

Gene Leverty  
State Bar of Nevada President

cc: Elizabeth Brown

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17-32067

## Cases

Case Search

Participant Search

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**Some documents originating from a lower court, including records and appendices, may not be available for viewing.**

**For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.**

## Administrative Case: ADKT 0526

**Short Caption:** IN RE: AMENDMENTS TO RULE  
OF PROF. CONDUCT 8.4

**Classification:** Administrative - ADKT - ADKT

**Case Status:** Case Closed

**Filed Date:** 05/08/2017

**Public Hearing:** 11/06/2017 at 3:00 PM (Nevada  
Supreme Court Courtroom, Carson  
City)

**Closed Date:** 09/25/2017

## + Party Information

## Docket Entries

Date	Type	Description	Pending?	Document
05/08/2017	Administrative Case	Filed Petition.		17-15190
		Filed Order Scheduling Public Hearing and Requesting Public Comment. Hearing will be held on Monday, July 17, 2017, at 2:30 p.m. in the Nevada Supreme Courtroom, Las Vegas. Video-conferenced to the Nevada Supreme Courtroom, Carson City. Written comments invited.		
05/25/2017	Administrative Case	Original and 8 copies due by July 5, 2017, at 5:00 p.m. Comments must be submitted in hard-copy format. Comments submitted electronically will not be docketed. Persons interested in participating in the hearing must notify the Clerk by July 5, 2017. (Exhibit A attached.)		17-17638
06/26/2017	Administrative Case	Filed Comments from Alan J Rejnach with Church State Council.		17-21135
06/26/2017	Administrative Case	Filed Comments from Josh Blackman with South Texas College of Law.		17-21141
06/28/2017	Administrative Case	Filed Comments signed by numerous attorneys.		17-21641
06/28/2017	Administrative Case	Filed Comments from Alan J Lefebvre with Kolesar & Leatham.		17-21644
06/28/2017	Administrative Case	Filed Comments from Ronald D Rotunda with Chapman University Fowler School of Law.		17-21645
06/29/2017	Administrative Case	Filed Comments from David Nammo with Christian Legal Society.		17-21709
06/29/2017	Administrative Case	Filed Comments from attorney Jeremy McNeil.		17-21750
06/30/2017	Administrative Case	Filed Comments from Matthew D Saltzman with Kolesar & Leatham.		17-21901
06/30/2017	Administrative Case	Filed Comments from Joshua M McCaig with National Lawyers Association.		17-21902

06/30/2017	Administrative Case	Filed Comments from Eugene Voiokh with University of California, Los Angeles.		17-21925
07/05/2017	Administrative Case	Filed Comments from Kolesar & Leatham. (numerous attorneys)		17-22061
07/05/2017	Administrative Case	Filed Comments from Alex L Fugazzi with Snell & Wilmer.		17-22063
07/05/2017	Administrative Case	Filed Comments from John R Bailey and Dennis L Kennedy with Bailey Kennedy.		17-22064
07/05/2017	Administrative Case	Filed Comments from John J Park Jr.		17-22078
07/05/2017	Administrative Case	Filed Comments signed by numerous attorneys.		17-22122
07/06/2017	Administrative Case	Filed Comments from Steven W Fitschen with The National Legal Foundation.		17-22237
07/07/2017	Administrative Case	Filed Order Rescheduling Public Hearing and Extending Period of Public Comment. The hearing will be continued until September 6, 2017, at 3:00 p.m. in the courtroom in Carson City. Video-conferenced to the courtroom in Las Vegas. Original and 8 copies of written comments due by 5:00 p.m., August 30, 2017.		17-22482
07/31/2017	Administrative Case	Filed Order Rescheduling Public Hearing and Extending Period of Public Comment. The hearing will be continued until November 6, 2017, at 3:00 p.m. in the courtroom in Carson City. Video-conferenced to the courtroom in Las Vegas. Original and 8 copies of written comments due by 5:00 p.m. on October 30, 2017.		17-25304
09/22/2017	Administrative Case	Filed Letter from Gene Leverty, President of the State Bar of Nevada regarding the withdraw of the petition.	Y	17-32067
09/25/2017	Administrative Case	Filed Order. The Board of Governors of the State Bar of Nevada have filed a request to withdraw its petition filed on May 8, 2017. The request to withdraw the petition is granted.		17-32294
09/25/2017	Administrative Case	Case Closed.		