

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AN  
AMENDMENT TO RULE OF  
PROFESSIONAL CONDUCT 1.2  
REGARDING MEDICAL MARIJUANA.

ADKT 0495

**FILED**

**MAY 27 2016**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

***ORDER SCHEDULING PUBLIC HEARING  
AND REQUESTING PUBLIC COMMENT***

On April 28, 2015, the Board of Governors of the State Bar of Nevada filed a supplemental brief in response to this court's request for additional briefing regarding whether any of the Rules of Professional Conduct might require amendment or commentary relevant to an attorney's involvement in state-authorized sales of marijuana. The State Bar recommends that this court adopt a comment to RPC 8.4(b). The proposed comment is attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the proposed comment on Thursday, July 7, 2016, at 1:00 p.m. in the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17<sup>th</sup> Floor (Regional Justice Center), Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

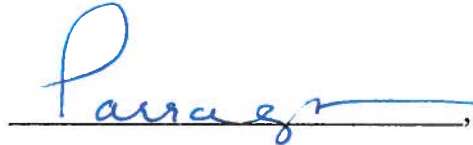
Further, this court invites written comment from the bench, bar and public regarding the need for additional rule amendments. An original and 8 copies of written comments are to be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., July 1, 2016. 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 no later than July 1, 2016.

**Hearing date:** July 7, 2016, at 1:00 p.m.  
Supreme Court Courtroom  
200 Lewis Avenue, 17<sup>th</sup> Floor  
Regional Justice Center  
Las Vegas, Nevada

**Comment deadline:** July 1, 2016, at 5:00 p.m.  
Supreme Court Clerk's Office  
201 South Carson Street  
Carson City, Nevada 89701

DATED this 27<sup>th</sup> day of May, 2016.

 C.J.

cc: All District Court Judges  
Laurence Digesti, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Adam Paul Laxalt, Attorney General  
Brett Kandt, Nevada Prosecution Advisory Council  
Daniel Bogden, United States Attorney  
Nevada Attorneys for Criminal Justice  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
All District Attorneys  
All Public Defenders  
All City Attorneys  
Washoe County Alternate Public Defender  
Clark County Special Public Defender  
Administrative Office of the Courts

## EXHIBIT A

### COMMENT [1] TO NEVADA RULE OF PROFESSIONAL CONDUCT 8.4(b)

Rule 8.4. Misconduct. It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

(e) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

#### COMMENT TO 8.4(b)

[1] Because use, possession, and distribution of marijuana in any form still violates federal law, attorneys are advised that engaging in such conduct may result in federal prosecution and trigger discipline proceedings under SCR 111.