

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICHOLAS WILLIAM PETTS,  
Petitioner,  
vs.  
BOARD OF BAR EXAMINERS OF THE  
STATE BAR OF NEVADA,  
Respondent.

No. 64680

**FILED**

**FEB 18 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK

***ORDER GRANTING PETITION***

This is an original petition seeking to waive the application deadline for the February 2014 bar examination. Having considered the petition and the response filed by the State Bar, we conclude that an exception to the application deadline is warranted under the circumstances detailed in the petition. Although SCR 52 does not allow the Board of Bar Examiners to waive the deadline, this court has granted relief where, as here, the delay is understandable and does not cause demonstrated inconvenience to the bar examiners.<sup>1</sup> To the extent that character and fitness evaluation requires time beyond the announcement


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<sup>1</sup>See *In re: Admission of Romanow*, Docket No. 48517 (December 26, 2006); *In re: Admission of Glancz*, Docket No. 48516 (December 26, 2006); *In re: Application of Smith*, Docket No. 45241 (June 2, 2005).


of the February test results, the applicant's ultimate admission would, of course, be deferred until the character and fitness evaluation runs its course.

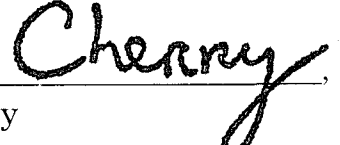
Accordingly, we grant the petition. NRAP 21. Respondent is directed to process the application in accordance with SCR 57 to 75. See SCR 56(1)(e).

It is so ORDERED.

  
Gibbons C.J.

  
Douglas J.

  
Pickering J.

  
Cherry J.

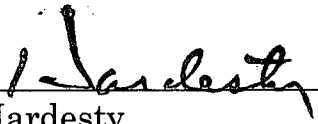
cc: Nicholas William Petts  
Richard Trachok, II, Chair, Board of Bar Examiners  
State Bar of Nevada/Las Vegas  
Parsons Behle & Latimer/Reno

HARDESTY, J., with whom SAITTA, J., and PARRAGUIRRE, J., agree, dissenting:

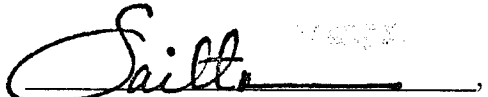
I would deny the petition because SCR 52(1)(b) expressly prohibits the waiver of the deadline for filing an application to take the examination, the applicant candidly admits that he “cannot cite a substantive provision” within any rule that would provide the basis for the relief he seeks, and he offers no cause, let alone good cause, for his neglect in registering for the exam by the initial deadline of October 1 or the late filing deadline of December 1. Rather, he simply states that such failure “was a good faith error.” Remarkably, the majority accepts this explanation for the delay as “understandable” and compares Petts’ petition with reasons provided in petitions from three applicants who were granted waivers in 2006. Unlike Petts, at least those applicants provided good cause for a waiver, explaining that their delay in meeting the filing deadline was caused by personal emergencies or mailing errors. Granting a waiver on this record provides a rudderless standard for this court’s consideration of waivers in the future.

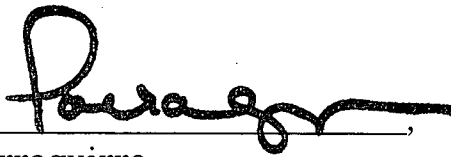
In its opposition to the petition, the Board of Bar Examiners correctly urges this court to follow the rule barring waivers explaining such waivers jeopardize the Board’s time to conduct “examinations, investigations, interviews and hearings necessary to determine the applicant’s morals, character, qualifications and fitness to practice law.” Nothing in this record contradicts the Board’s concern that late-granted

waivers jeopardizes its proper assessment of an applicant to take the bar exam.

, J.  
Hardesty

We concur:

, J.  
Saitta

, J.  
Parraguirre