

On April 17, 2024, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. §§ 3-101, 3-103, and 3-803:

CHAPTER 3: ATTORNEYS AND THE PRACTICE OF LAW
Article 1: Admission Rules for the Practice of Law.

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§ 3-101. Definitions.

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(R) **Director.** “Director” shall mean the director of the Bar Commission and director of admissions. The director is the ~~Nebraska Supreme Court’s Administrator of Attorney Services~~ Clerk of the Nebraska Supreme Court.

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§ 3-103. Director of admissions; duties.

(A) ~~The Director of Admissions shall be the Clerk of the Supreme Court. The Supreme Court’s Administrator of Attorney Services, employed by the Court pursuant to Neb. Ct. R. § 3-803(A)(2),~~ The director shall serve under the supervision of the Court and perform such duties for the Commission as these rules may require. The Administrator ~~director~~ shall not be a member of the Commission, but shall, for purposes of these rules, act as the director of the Bar Commission and director of admissions (director).

(B) The director shall be responsible for the administrative functions of the Commission, which include, but are not limited to, overseeing the bar examination, ensuring adequate grading resources are in place, conducting character and fitness investigations, and ~~reporting to the Supreme Court the finances of the Commission~~ making such reports to the Supreme Court as directed.

(C) The director shall make the initial determination as to whether an application for admission meets the admission requirements established in Neb. Ct. R. §§ 3-113, 3-114, and 3-119.

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Article 8: State Bar Association; Creation; Control; and Regulation.

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§ 3-803. Membership.

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(A) Requirements and Records of Membership.

(1) All persons who, on the date that these rules go into effect, are admitted to the practice of law in this State, by order of the Nebraska Supreme Court, shall constitute the members of this Association, subject to due compliance with the requirements for membership hereinafter set forth, including payment of mandatory membership assessments as may be fixed by the Nebraska Supreme Court.

(2) ~~The Administrator of Attorney Services Division, who shall be an employee of the Clerk of the~~ Nebraska Supreme Court, shall maintain all records of membership of the Association and perform all other duties and responsibilities required by the Supreme Court and these rules.

(B) Classes. Members of this Association shall be divided into five classes, namely: Active members, Inactive members, Disability Inactive members, Law Student members, and Emeritus members.

(1) All members who are licensed to engage in the active practice of law in the State of Nebraska, who do not qualify for and apply for Inactive membership status, and who are not Law Student members, shall be Active members.

(2) Any member who is not actively engaged in the practice of law in the State of Nebraska, or who is a nonresident of the State of Nebraska and not actively engaged in the practice of law in Nebraska, and who is not an Emeritus member, may, if he or she so elects, be placed in Inactive membership status.

(a) Disability Inactive Status. In the event the member has an impairment which prevents an active law practice, the member may apply for Disability Inactive Status membership through the Attorney Services Division. See Neb. Ct. R. § 3-311(C). A member granted such status by the Nebraska Supreme Court shall not be required to pay annual inactive dues during the period of disability. The application and supporting information shall be confidential pursuant to § 3-318(D)(2). An order granting the application shall be public pursuant to § 3-318(D)(2).

(b) Inactive Status. A member desiring to be placed in any Inactive membership status shall ~~file~~ submit a written application therefor with the ~~Administrator of Attorney Services Division~~ and, if otherwise qualified, shall be placed in such inactive status classification. No Inactive members shall practice law in Nebraska, or vote or hold office in this Association.

(c) Reinstatement to Active Member. Any Inactive member may, on ~~filing~~ submitting an application with the ~~Administrator of Attorney Services Division~~ and upon payment of the required fees and dues, and compliance with such requirements as may be imposed by

the Supreme Court to show fitness to engage in the active practice of law in this State as provided by § 3-803(F), become an Active member. The State Bar Commission shall conduct a review of the member's character and fitness and make a recommendation to the Court evincing the member's fitness to become an Active member. (Appendix A). Members on disability inactive status shall apply for reinstatement as provided in § 3-311(G).

(3) Any member who attained the age of 75 years of age during the dues year being billed or has been actively engaged in the practice of law in the State of Nebraska for 50 years or more during the dues year being billed may, if he or she so elects, be placed in an Emeritus membership status. A member desiring to be placed in an Emeritus membership status shall ~~file~~ submit a written application therefor with the ~~Administrator~~ of Attorney Services Division and, if otherwise qualified, shall be placed in the Emeritus status classification. A member electing Emeritus classification shall not be required to pay membership dues to this Association. No Emeritus member shall practice law in Nebraska, or vote or hold office in this Association. Any Emeritus member may, on ~~filing~~ submitting an application with the ~~Administrator~~ of Attorney Services Division and upon payment of the required dues and compliance with the requirements as may be imposed by the Supreme Court to show fitness to engage in the active practice of law in this State, become an Active member.

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On or before January 20 of each year, each ~~Each~~ active member shall certify to the Nebraska Supreme Court, through the its ~~its Administrator of on-line system administered by the~~ Attorney Services Division, ~~on or before January 20 of each year:~~ 1) whether or not such member is currently covered by professional liability insurance, other than an extended reporting endorsement; 2) whether or not such member is engaged in the private practice of law involving representation of clients drawn from the public; 3) whether or not such member is a partner, shareholder, or member in a domestic professional organization as defined by the rule governing Limited Liability Professional Organizations, and 4) whether or not the active member is exempt from the provisions of this rule because he or she is engaged in the practice of law as a full-time government attorney or in-house counsel and does not represent clients outside that capacity.

The foregoing shall be certified by each active member of this Association annually through the Court's on-line system administered by the Attorney Services Division. Such certifications shall be made available to the public by any means designated by the Supreme Court. Failure to comply with this rule shall result in suspension from the active practice of law until such certification is received. An untruthful certification shall subject the member to appropriate disciplinary action. All members shall update the information within their on-line attorney services account within 30 days if 1) professional liability insurance providing coverage to the member has lapsed or is not in effect, or 2) the member acquires professional liability coverage as defined by this rule.

All certifications not received by April 1 of the current calendar year shall be considered delinquent. The ~~Administrator~~ Director of the Attorney Services Division shall send written notice, by ~~certified~~ U.S. mail and email, to each member then delinquent in the reporting of professional liability insurance status, which notice shall be addressed to such member at his or her last reported address, and shall notify such member of such delinquency. All members who shall fail to provide the certification within 30 days thereafter shall be reported to the Supreme Court by the Director ~~Administrator~~ of the Attorney Services Division, and the Supreme Court shall enter an order to show cause why such member shall not be suspended from membership in this Association. The Supreme Court shall enter such an order as it may deem appropriate. If an order of suspension shall be entered, such party shall not practice law until restored to good standing.

This rule shall not affect this Association, its rules, procedures, structure, or operation in any way; nor shall the adoption of this rule make this Association, its officers, directors, representatives, or membership liable in any way to any person who has suffered loss by error or omission of a lawyer. This rule is adopted solely for the purposes stated herein and not for the purpose of making this Association, its officers, directors, representatives, or membership insurers or guarantors for clients with respect to the lawyer-client relationship.

This rule does not create a claim against this Association, nor the Director of the Attorney Services Division of the Supreme Court, for failure to provide accurate information or a report on the insured status of any lawyer, or for implementation of any provision of these rules.

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(C) Registration. All members shall be automatically registered with the ~~Administrator~~ of Attorney Services Division as Active members upon admission and shall, within 60 days after being admitted to the practice of law by the Supreme Court of this State, access their on-line account with the Attorney Services Division and update or verify as necessary the member's full name, business address, e-mail address, and signature. All members shall promptly notify the ~~Administrator~~ of Attorney Services Division of any change in such address, phone number, or e-mail address by accessing and updating their personal information in the Court's on-line system.

(D) Mandatory Membership Assessments.

(1) Payment of Assessments. Each member shall pay mandatory membership assessments for each calendar year from January 1 to December 31 following, payable in advance on or before January 20 of each year, in such amounts as may be fixed by the Supreme Court pursuant to Neb. Ct. R. §§ 3-100(B), 3-301(E), and 3-1010(B). All such assessments ~~due or paid after April 1, 2014, shall be paid to the Administrator of~~ Attorney Services Division and shall be used for the administration and enforcement of

the regulation of the practice of law by the Court. ~~Beginning with the Mandatory Membership Assessments due for and after 2015, a~~All payments shall be made through the Court's Attorney Services Division on-line system. Different classifications of assessments may be established for Active, Inactive, and Law Student members and for those members who have been admitted to the Bar of any State or other jurisdiction for a period of less than 5 years and for those members who are serving in the Armed Forces of the United States, while so serving. Members newly admitted to this Association shall receive a complimentary membership for the remainder of the current calendar year. The annual mandatory membership assessments beginning calendar year 2014 shall be as follows:

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***** (Attorneys who are on continuous Active Military Service under title 10 or title 32 of the U.S. Code or State Active Duty under the jurisdiction of any state or territory of the United States at the beginning of any calendar year shall be exempt from payment of assessments for such year upon submitting to the ~~Administrator~~ of Attorney Services Division, prior to the date of delinquency provided for in this Article, satisfactory proof that he or she is so engaged; upon receipt of such proof, the ~~Administrator~~ Director of the Attorney Services Division shall issue proof of membership status to the member under the classification held by the member prior to his or her induction in the service and shall cause the records of this Association to show that such proof was issued without payment of dues.)

(2) A late fee of \$25 shall be assessed each Active or Inactive member whose mandatory assessments are received after January 20, a late fee of \$50 shall be assessed on mandatory assessments received on or after February 1, and a late fee of \$75 shall be assessed on mandatory assessments received on or after March 1.

(3) Funds collected by mandatory assessments pursuant to Neb. Ct. R. §§ 3-100(B) and 3-1010(B) shall be used by the Nebraska Supreme Court's ~~Administrator~~ of Attorney Services-Division and Counsel on Unauthorized Practice of Law for regulatory management and oversight as required by the Court under its constitutional and inherent authority.

(E) Delinquency and Reinstatement.

(1) All mandatory membership assessments not paid by April 1 of the current calendar year shall be considered delinquent; and the ~~Administrator~~ Director of the Attorney Services Division shall send written notice, by regular mail and email, to each member then delinquent in the payment of his or her assessments, which notice shall be addressed to such member at his or her last reported addresses, and shall notify such member of such delinquency. All members who shall fail to pay delinquent assessments within 30 days thereafter shall be reported to the Supreme Court by the ~~Administrator~~ Director of the Attorney Services Division, and the Supreme Court shall enter an order to show cause

why such member shall not be suspended from membership in this Association. The Supreme Court shall, after hearing conducted upon affidavit if submitted by the member, enter such an order as it may deem appropriate. If an order of suspension shall be entered, such party shall not practice law until restored to good standing.

(2) Whenever a member suspended for nonpayment of mandatory membership assessments submits an application with Attorney Services Division seeking reinstatement, the member shall make payment of all arrears, and shall satisfy the Supreme Court of his or her qualification to then return to the active practice of law. The ~~Administrator of Attorney Services~~ Director of the Attorney Services Division shall submit the completed application with the Court after gathering the necessary reinstatement information. The ~~Administrator of Attorney Services Division~~ Director shall keep a complete record of all suspensions and reinstatements. No person, while his or her membership is suspended, shall be entitled to exercise or receive any of the privileges of membership in this Association.

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(H) Resignation. Any member may resign either active or inactive membership in the Bar Association by tendering his or her written resignation to the ~~Administrator~~ Director of the Attorney Services Division on a form to be provided. This form shall include an affidavit to be completed by the member seeking to resign, stating that the member has not been suspended or disbarred in any other state or by any court; that the member has not voluntarily surrendered his or her license to practice law in any other state or to any court in connection with any investigation or disciplinary proceeding against the member; that to the member's knowledge he or she is not then under investigation, nor has a complaint or charges pending against him or her with reference to any alleged violation of professional responsibilities as a lawyer; and that the member agrees to be subject to the jurisdiction of the Supreme Court for a period of 3 years from the date his or her resignation is accepted for the purpose of disciplinary proceedings for any alleged violation of his or her professional responsibilities as a lawyer. During this 3-year period, the acceptance of his or her resignation may be set aside by the Supreme Court upon application filed in the Supreme Court by the Counsel for Discipline. Once the affidavit is completed, the ~~Administrator of the Attorney Services Division~~ Director shall submit the form to the Supreme Court which may accept the resignation. In the event the resignation is accepted while the mandatory membership assessment is past due or while not in compliance with MCLE requirements, the attorney seeking reinstatement following resignation shall, prior to reinstatement, make payment of the mandatory membership assessment and any late fees due at the time of resignation and cure the noncompliance with MCLE requirements. In the event the affidavit is not fully completed, or any exception is taken to it, the tendered resignation shall be rejected. The Clerk shall keep a complete record of all submitted requests for resignation, ~~and~~ all resignations, ~~and shall report to the Administrator of Attorney Services Division~~ the names and addresses of members whose resignations have been accepted by the Supreme Court.

(I) Reinstatement Following Resignation. Whenever a former member of this Association who resigned is readmitted to the practice of law in Nebraska by the Supreme Court pursuant to the process set forth in § 3-119(E), the member shall not pay mandatory membership assessments for the year in which he or she is readmitted, as the reinstatement application fee includes the mandatory assessment for the year of reinstatement. Prior to reinstatement, the former member shall make payment of any mandatory membership assessment and any late fees due at the time of resignation and cure any noncompliance with MCLE requirements.

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