

§ 3-306. Disciplinary Review Board.

(A) The Court shall appoint a committee to be known as the Disciplinary Review Board which shall consist of one member from each Supreme Court Judicial District in effect at the time of the adoption of these rules and as may hereafter be changed, one member of which shall be designated as Vice Chairperson; a member at large to be Chairperson; and three residents of Nebraska, not members, representing the public at large. The Vice Chairperson shall act as Chairperson if the designated Chairperson is absent or disqualified from acting in a particular proceeding. Neither the Chairperson nor the Vice Chairperson shall be nonlawyers.

(B) When the Disciplinary Review Board is first appointed, one member shall be appointed for a term of one year, one member for two years, one member for three years, one member for four years, one member for five years, one member for six years, and one member for seven years. Thereafter the full regular term shall be for seven years and no member shall serve full regular consecutive terms, but may be reappointed after a lapse of one year. Initially, one representative of the public shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Thereafter the full regular term of the representative of the public shall be for three years. Representatives of the public may serve full regular consecutive terms.

(C) In the interest of continuity and efficiency of operation the Court may deviate from time to time from the above designated terms of membership. Any member who is participating in a disciplinary proceeding which is pending at the time the member's term expires shall continue to serve as a member of the Board, with respect to such proceeding, until final disposition of that proceeding. Such a member will serve in addition to the seven regular members of that Board. Members of the Disciplinary Review Board shall not receive compensation for their services but may be reimbursed for travel and other expenses incidental to the performance of their duties.

(D) The Disciplinary Review Board shall have the following powers and duties:

(1) If necessary, because of disqualification or unavailability, to direct that the Complaint be referred to some other Committee on Inquiry, in which case the Committee on Inquiry to which it is so referred shall have full power and jurisdiction to the same extent and in like manner as the Committee which had original jurisdiction.

(2) Assume jurisdiction of and determine a matter to the same extent and with like power as a Committee on Inquiry when directed by the Court.

(3) Review motions to quash subpoenas.

(4) Review a dismissal of a Grievance by the Counsel for Discipline upon application of the Complainant filed within thirty days of receipt of notice of the dismissal. After review of the investigative file of the Counsel for Discipline, the Disciplinary Review Board may affirm the dismissal of the Grievance, direct the Counsel for Discipline to further investigate, or direct the Counsel for Discipline to file a Complaint with the appropriate Committee on Inquiry. Should the Disciplinary Review Board reverse the Counsel for Discipline's decision to dismiss a

Grievance, a special prosecutor shall be appointed to prosecute the action.

(5) Review the private reprimand issued by the Committee on Inquiry in conformity to § 3-309(H) upon written application of the member against whom the reprimand was issued or the Counsel for Discipline filed within thirty days of issuance of the reprimand. After review of the investigative file of the Counsel for Discipline, the Disciplinary Review Board may affirm the issuance of the private reprimand, reverse the issuance of the private reprimand and dismiss the complaint, or determine that there are reasonable grounds for discipline of the Respondent and that a public interest would be served by the filing of a Formal Charge.

(6) Review a dismissal of a Complaint by the Committee on Inquiry in conformity with § 3-309(H) upon written application of the Counsel for Discipline filed within thirty days of receipt of the notice of dismissal. After review of the investigative file of the Counsel for Discipline, the Disciplinary Review Board may affirm the dismissal of the Complaint; determine that there are reasonable grounds for discipline of the Respondent but that no public interest would be served by the filing of a Formal Charge and, thereupon, prepare and issue a private reprimand; or determine that there are reasonable grounds for discipline of the Respondent and that a public interest would be served by the filing of a Formal Charge. If the Disciplinary Review Board determines that a Formal Charge is warranted, the Board shall direct the Counsel for Discipline to file the same with the Clerk.

(7) A review provided for in § 3-306(D)(4), (5), or (6) shall be completed within sixty days after it is received by the Disciplinary Review Board unless the Chairperson of the Disciplinary Review Board, because of the extent of the record or the complexity of the issues, determines that additional time is necessary.

(E) Reviews provided for in § 3-306(D)(4), (5), or (6) shall be conducted by a panel appointed by the Chairperson of the Board. The panel shall be composed of three members of the Disciplinary Review Board. One member of each panel shall be a nonlawyer. The Chairperson of the Board shall appoint one lawyer member of the panel to serve as Chairperson of the panel.

*Rule 6(A) amended November 14, 1996; Rule 6(D)(4) amended November 22, 2000.
Renumbered and codified as § 3-306, effective July 18, 2008.*
