

§ 3-308. Counsel for Discipline.

(A) The Counsel for Discipline shall be appointed by the Nebraska Supreme Court and his or her appointment and tenure of office shall be on such terms and for such period as may be designated by the Court. The Counsel for Discipline shall not be permitted to engage in the private practice of law except the Court may agree to a reasonable period of transition after his or her appointment.

(B) The Counsel for Discipline shall have the following powers and duties.

(1) Review, investigate, or refer for investigation all matters of alleged misconduct called to his or her attention by Grievance or otherwise. The Counsel for Discipline may initiate Grievances.

(2) Notify a member in writing that he or she is the subject of a Grievance and furnish the member a copy thereof within fifteen days of receipt of the Grievance.

(3) Dismiss a Grievance if, in his or her judgment, it is without foundation and merit.

(4) Refer members to Attorney Assistance Programs under appropriate circumstances.

(5) Prepare a Complaint and file it with the appropriate Committee on Inquiry if, in his or her judgment, there is sufficient evidence to substantiate such Complaint.

(6) Confer with any Committee on Inquiry prior to dismissal of a Grievance or preparation of a Complaint if he or she is in doubt as to the proper disposition of the matter.

(7) Provide research services for the Advisory Committee.

(8) Maintain records as follows:

(a) Records of correspondence received by the Counsel for Discipline but not classified as a Grievance shall be maintained for a period of three years, after which time they may be destroyed.

(b) Records of Grievances which have resulted in referral to Attorney Assistance Programs shall be maintained for a period of three years, after which time they may be destroyed.

(c) Records of Grievances which have been dismissed by the Counsel for Discipline for lack of foundation and merit shall be maintained for a period of three years, after which time they may be destroyed.

(d) Records of Grievances in which Complaints have been filed and then dismissed shall be maintained for a period of five years after final disposition of the complaint, after which time they may be destroyed.

(e) Records of Grievances against attorneys that have resulted in a reprimand by the Committee on Inquiry or the Disciplinary Review Board or probation, a reprimand, censure, suspension, or disbarment of the attorney shall be maintained until the death of the attorney,

after which time they may be destroyed.

(9) Make a semiannual summary report to the Court of all disciplinary matters for each six-month period. Such report shall include the following information:

(a) Number of members complained against.

(b) The general nature of the Grievances.

(c) The disposition or status thereof and such other matters as the Court may, from time to time, request.

(d) A copy of the portion of the report relating to each Committee on Inquiry shall be submitted to the Chairperson of that Committee on Inquiry.

(10) Assist the Court in any disciplinary matter then pending before the Court, if requested.
