

§ 3-318. Publicity of disciplinary proceedings and sequestration of witnesses.

(A) The hearings, records, or proceedings of the Counsel for Discipline, the Committee on Inquiry, and the Disciplinary Review Board are confidential and shall not be made public except that the pendency, subject matter, and status of an investigation may be disclosed by the Committee on Inquiry involved or the Disciplinary Review Board if

(1) the Respondent has waived confidentiality, either in writing or by public disclosure of information regarding the proceeding; or

(2) the proceeding is based upon conviction of a crime.

(B) Unless the Respondent has waived confidentiality, either in writing or by public disclosure of information regarding the proceedings, willful violation of this rule shall be grounds for discipline.

(C) This rule is not intended to prohibit the exchange of confidential information with other agencies authorized by the Court to receive such information.

(D) The following provisions regarding the confidentiality of various disciplinary pleadings filed in the Supreme Court shall apply:

TYPE OF PLEADING FILED	BECOMES PUBLIC RECORD
(1) Formal Charges.	Upon filing.
(2) Application for Disability Inactive Status based upon competency or incapacity pursuant to § 3-803(B)(2) or § 3-311.	Shall not be made public until status is entered by the Court. If Application is denied, the case remains confidential.
(3) Application for Reinstatement pursuant to § 3-311.	Upon filing.
(4) Application for Temporary Suspension based upon continuing damage to the public or conviction of a serious crime.	Upon filing.

(5) Application for Reinstatement after
Temporary Suspension due to § 3-312.

Upon filing.

(6) Conditional Admission of Complaint or
Formal Charges.

Remains confidential until the Court
approves the Conditional Admission.

(7) Appeal of Disciplinary Review Board
decision to issue Private reprimand.

Remains confidential unless Formal
Charges are entered with the Court.

(8) Voluntary Surrender of License.

Upon filing.

(9) Application for Reinstatement after
Suspension or Disbarment.

Upon filing.

(E) The Counsel for Discipline may release confidential information to the Client Assistance Fund Claims Board of the Nebraska State Bar Association as needed to further the work of the Claims Board. Such information shall not be made public other than as necessary to discharge the duties of the Claims Board.

Rule 18(E) amended October 31, 2001. Renumbered and codified as § 3-318, effective July 18, 2008; § 3-318(D)(2) amended March 13, 2019.
