

§ 3-402.3. Hearings before commission pursuant to § 3-401.11(B).

(A) When the commission has issued an order to show cause pursuant to § 3-401.11(B) based on a finding by the Director of noncompliance with these rules, an attorney may request and shall be entitled to a hearing before the commission.

(B) Upon request for such hearing, the commission shall serve notice of the time and place of the hearing on the parties by certified mail, return receipt requested, at the last known address of the party requesting such hearing.

(C) The hearing shall be held upon not less than twenty (20) days' notice nor later than thirty (30) days after the request for hearing.

(D) The parties shall be permitted to be represented by counsel, shall be permitted to examine and cross-examine witnesses, and may file with the commission any statement, answer, affidavit, document, exhibit, or any such other evidence as may be relevant to the issue of noncompliance.

(E) The commission shall have the right to receive any type of evidence it deems relevant and material. The hearing need not be conducted in accordance with the Nebraska Evidence Rules.

(F) At the conclusion of the hearing, the commission shall make written findings of fact and conclusions of law and a determination of whether or not cause has been shown. A copy of the findings, conclusions, and order shall be sent to all parties to the hearing.

(G) A minimum of four appointed commission members and the Nebraska Supreme Court Justice commission member must be present at any hearing.

(H) If the commission determines that cause was not shown, a recommendation of suspension from the practice of law for failure to comply with these rules shall be made to the Nebraska Supreme Court.

(I) A majority vote of the commission members in attendance at the hearing is required in order to grant or deny relief. The Nebraska Supreme Court Justice commission member shall vote only in the event of a tie.

Adopted November 26, 2008.
