

§ 3-905. Trust account certification rules.

(A) A lawyer who is associated with a law firm, which for purposes of this rule shall include firms that operate as a limited liability professional organization, a partnership, a professional service corporation, or a nonprofit legal services organization, shall be considered to have and maintain a trust account if his or her law firm maintains a trust account as specified in § 3-902.

(B) A nonresident lawyer who is admitted to practice before the courts of this State on a case-by-case basis shall be exempt from the requirements of these rules.

(C) Each lawyer admitted to practice on active status (defined as Regular Active, Junior Active, Senior Active, and Military Active) with an office in the State of Nebraska shall submit to the Court a certification through the Court's on-line system reflecting the existence of the trust account required under § 3-902 or, in the alternative, that he or she does not now have and does not reasonably expect to have funds of clients come into his or her hands within the next 12 months in the State of Nebraska. Such certification shall be submitted through the Court's on-line system on an annual basis at the time of annual license renewal. Members of the Nebraska judiciary need not complete the certification. Those lawyers maintaining trust accounts shall also provide on their certification the name and address of the financial institution where the account is maintained, the account number, and the name and address of all persons authorized to sign checks or make withdrawals on the account. If an existing trust account is closed or a new account opened, an updated certification shall be submitted in the manner directed by the court by any such attorney within 30 days providing the reason for closing of an account, as well as the specified information on any new account.

(D) Any lawyer who certified that he or she does not reasonably expect to have funds of clients come into his or her hands within the next 12 months within the State of Nebraska but who does receive clients' funds shall forthwith establish a trust account for the deposit and maintenance of such funds.

Rule 5(C) amended March 29, 2006; Rule 5(A) and (C) amended November 15, 2007. Renumbered and codified as § 3-905, effective July 18, 2008. § 3-905(A) and (C) amended March 19, 2014; § 3-905(E) amended December 3, 2013, effective April 1, 2014; § 3-905(C) and (D) amended and (E) deleted December 14, 2016.
