

Nebraska State Bar Commission

Regulation for Implementing Neb. Ct. R. § 3-119(A)

For purposes of implementing Neb. Ct. R. § 3-119(A), as amended, the Nebraska State Bar Commission makes this regulation:

(1) The Commission will determine whether a non-Uniform Bar Examination (UBE) is an equivalent examination and maintain a list of those non-UBE jurisdictions identified by the Commission as administering an equivalent examination. That list will be available to prospective applicants.

(2) In connection with § 3-119(A)(3), which requires that a non-UBE applicant achieve an examination score at least equivalent to the UBE passing score established by the Nebraska Supreme Court in Neb. Ct. R. § 3-117(F), the Commission will utilize all score information reasonably available to it. In order to obtain scores from other jurisdictions, the Commission may be required to enter into nondisclosure agreements with other jurisdictions which include a provision prohibiting the Commission from disclosing a score or scores to the Class 1-A applicant. The Commission may enter into such agreements with the disclosing jurisdiction and may require the Class 1-A applicant to acknowledge and approve the nondisclosure.

(3) The Commission will determine whether an applicant has a score at least equivalent to the UBE passing score based on (a) the actual score achieved if based on a 400-point scale or (b) the relationship between the score achieved and the total scale as determined from § 3-117(F). For example, currently § 3-117(F) sets the passing score at 270 on a 400-point scale, which is 67.5 percent of the total scale of 400. The Commission will then apply the appropriate score analysis to applicants' scores from non-UBE jurisdictions with comparable examinations to determine whether there is score equivalency.

(4) Prior to paying any fee required by Neb. Ct. R. § 3-107, for a nonrefundable fee of \$50, a prospective Class 1-A applicant may have the Commission determine whether the prospective Class 1-A applicant has achieved "a score which is at least equivalent to the UBE score established by the Supreme Court and set forth in § 3-117(F)." In the event the prospective applicant completes a Class 1-A application, the \$50 will be credited toward the fee required by § 3-107. A determination that a prospective applicant has passed a non-UBE with a sufficient score to qualify as a Class 1-A applicant shall not operate as a waiver of any other requirements for admission.

Approved May 13, 2015.
