

Before the Nebraska MCLE Commission

In re Appeal of XXXXXX,

) Appeal #10-3
)
) FINDINGS, CONCLUSIONS,
AND ORDER

This matter came before the Nebraska MCLE Commission on June 3, 2010, by conference call hearing upon the appeal filed by Appellant seeking reversal of the director's denial of CLE credit for a law school class in which Appellant took part. Those participating in the conference call hearing were Commission members Stephan, Rembolt, Collins, Hillman, Dowding, Knoepfler and Schroeder; Appellant; and MCLE Commission director Carole McMahon-Boies.

The Commission reviewed documentary evidence regarding Appellant's request for credit for a law class in which he enrolled entitled, "Domestic Telecommunications Law." Appellant was given an opportunity to address the Commission and respond to questions from Commission members.

The Commission hereby makes the following findings of fact and conclusions of law pursuant to Neb. Ct. R. § 3-402.2(F):

Findings of Fact

1. Appellant enrolled in a class taught by Professor Marvin Ammori at the University of Nebraska College of Law. The class began on January 13, 2010 and met until at least April 21, 2010. Appellant was forced to withdraw from the course on March 11, 2010 because of the demands of his job. Appellant sought CLE credit for his participation in the class. He submitted the request for credit under the rules and procedures of the Nebraska MCLE Commission.

2. The director reviewed the materials submitted with the initial credit request which included a syllabus indicating the course would meet until at least April 23. Appellant was asked for more information in order to determine whether the class had ended early. A letter was then submitted to the director by Professor Ammori which verified that Appellant withdrew from the class on March 11, but did not make it clear when the course was finished. The director then followed up with a telephone call to Professor Ammori on May 10, 2010. Professor Ammori clarified that the class did meet until April 23, 2010.

3. On March 15, 2010 the director sent a denial of credit for the education citing Neb. Ct. R. § 3-401.8(D)(3) which provides the requirements for the award of credit for attending law school courses: "The course need not be taken for law school credit toward a degree; auditing a course is permitted. However, the attorney must comply with all law school rules for attendance, participation, and examination, if any, and complete the course to receive CLE credit." The denial of credit was based on the director's determination that Appellant withdrew from the course prior to completion and therefore did not satisfy the requirement that the course must be completed to receive CLE credit.

4. On May 10, 2010 Appellant sent a request that the MCLE commission reconsider the denial of credit.

5. Appellant was sent an e-mail notice on May 13, 2010 scheduling a telephonic hearing on June

3, 2010. A notice of hearing was sent by certified mail to him that included copies of the records of the MCLE Commission to be used at the appeal hearing. The notice was received by Appellant.

Conclusions of Law

1. The appeal was properly filed and a hearing was conducted in compliance Neb. Ct. R. § 3-402.2.

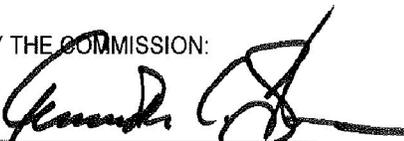
2. Appellant did not complete the course *Domestic Telecommunications Law* and therefore failed to satisfy the requirement of Neb. Ct. R. § 3-401.8(D)(3) which is a prerequisite to the award of CLE for participation in a law school course.

ORDER

By a unanimous vote of the MCLE Commission (Stephan not voting), the Commission denies the appeal, and upholds the director's denial of credit.

Dated: June 10, 2010.

BY THE COMMISSION:



Kenneth C. Stephan, Chair