

On June 23, 2021, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. § 3-119 of the Admission Rules for the Practice of Law and Neb. Ct. R. § 3-803 of the State Bar Association rules:

### **CHAPTER 3: ATTORNEYS AND THE PRACTICE OF LAW**

#### **Article 1: Admission Rules for the Practice of Law.**

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#### **§ 3-119. Application for admission by attorney/Class 1-A, 1-B, 1-C, 1-D, and 1-E motion applicants.**

Each applicant will be required to execute under oath a thorough application and to sign an authorization and release form that extends to the Commission and to any persons or institutions supplying information thereto. The applicant will be informed of the consequences of failing to produce information requested by the application and of making material omissions or misrepresentations (Appendix A).

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(E) **Class 1-E applicants.** Class 1-E applicants are motion applicants who were previously admitted to practice in Nebraska and subsequently retired or resigned membership in the Nebraska State Bar Association. Such applicants may be reinstated to practice in Nebraska upon approval of a proper application by the Commission. Prior to reinstatement, the former member shall make payment of any mandatory membership assessment and any late fees due at the time of resignation and cure any noncompliance with MCLE requirements.

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#### **Article 8: State Bar Association; Creation; Control; and Regulation.**

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#### **§ 3-803. Membership.**

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(H) Resignation. Any member may resign either active or inactive membership in the Bar Association by tendering his or her written resignation to the Administrator of the Attorney Services Division on a form to be provided. This form shall include an affidavit to be completed by the member seeking to resign, stating that the member has not been suspended or disbarred in any other state or by any court; that the member has not voluntarily surrendered his or her license to practice law in any other state or to any court in connection with any investigation or disciplinary proceeding against the member; that to the member's knowledge he or she is not then under investigation, nor has a complaint or charges pending against him or her with reference to any alleged violation of professional responsibilities as a lawyer; and that the member agrees to be subject to the jurisdiction of the Supreme Court for a period of 3 years from the date his or her resignation is accepted for the purpose of disciplinary proceedings for any alleged violation of his or her professional responsibilities as a lawyer. During this 3-year period, the acceptance of his or her resignation may be set aside by the Supreme Court upon application filed in the Supreme Court by the Counsel for Discipline. Once the affidavit is completed, the Administrator of the Attorney

Services Division shall submit the form to the Supreme Court which may accept the resignation, ~~provided the resigning member's mandatory membership assessments are not delinquent, or may accept it upon payment of any such delinquent assessments, unless the member seeking to resign has been suspended for the nonpayment of assessments as provided for in § 3-803(E), in which event the submitted resignation shall not be acted upon until the member seeking resignation has been reinstated as provided for in said section.~~ In the event the resignation is accepted while the mandatory membership assessment is past due or while not in compliance with MCLE requirements, the attorney seeking reinstatement following resignation shall, prior to reinstatement, make payment of the mandatory membership assessment and any late fees due at the time of resignation and cure the noncompliance with MCLE requirements. In the event the affidavit is not fully completed, or any exception is taken to it, the tendered resignation shall be rejected. The Clerk shall keep a complete record of all submitted requests for resignation and all resignations and shall report to the Administrator of Attorney Services Division the names and addresses of members whose resignations have been accepted by the Supreme Court.

(I) Reinstatement Following Resignation. Whenever a former member of this Association who resigned is readmitted to the practice of law in Nebraska by the Supreme Court pursuant to the process set forth in § 3-119(E), the member shall not pay mandatory membership assessments for the year in which he or she is readmitted, as the reinstatement application fee includes the mandatory assessment for the year of reinstatement. Prior to reinstatement, the former member shall make payment of any mandatory membership assessment and any late fees due at the time of resignation and cure any noncompliance with MCLE requirements.

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