

On January 2, 2019, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. §§ 3-119, 3-401.12, and 3-803, as well as to Appendix E entitled “Fees” found in the rules regarding “Admission Requirements for the Practice of Law”:

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

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

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#### **§ 3-119. Application for admission by attorney/Class 1-A, 1-B, 1-C, ~~and 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).

(A) **Class 1-A applicants.** Class 1-A applicants are motion applicants who may be admitted to practice in Nebraska upon approval of a proper application and:

(1) who have been licensed and are active and in good standing before the highest court of another state, the District of Columbia, or of any jurisdiction where the Common Law of England constitutes the basis of jurisprudence;

(2) who, at the time of their admission, had attained educational qualifications at least equal to those required at the time of application for admission by examination to the bar of Nebraska;

(3) who have passed a non-UBE examination equivalent to the examination administered in Nebraska with a score which is at least equivalent to the UBE passing score established by the Court and set forth in § 3-117(F); and

(4) who have passed the MPRE with the minimum score established by the Court and set forth in § 3-117(F).

(B) **Class 1-B applicants.** Class 1-B applicants who may be admitted to practice in Nebraska upon approval of a proper application are those:

(1) who have been licensed and are active and in good standing before the highest court of another state, territory, or district of the United States preceding application for admission to the bar of Nebraska and have actively and substantially engaged in the practice of law in another state, territory, or district of the United States for 3 of the 5 years immediately preceding application for admission; and

(2) who, at the time of their admission, had attained educational qualifications at least equal to those required at the time of application for admission by examination to the bar of Nebraska.

(C) **Class 1-C applicants.** Class 1-C applicants who may be admitted to practice in Nebraska upon approval of a proper application are those:

(1) who have taken the UBE in another jurisdiction and have earned at least the minimum score established by the Court and set forth in § 3-117(F);

(2) have attained educational qualifications by the time of application that are at least equal to those required by the time of application for admission by examination to the bar of Nebraska; and

(3) who have passed the MPRE with the minimum score established by the Court and set forth in § 3-117(F).

(D) **Class 1-D applicants.** Class 1-D applicants are motion applicants who may be admitted to practice in Nebraska upon approval of a proper application under subsection (D).

(1) **Requirements.** An applicant under subsection (D) must:

(a) have been admitted to practice law in another U.S. state, territory, or the District of Columbia;

(b) hold a J.D. or LL.B. degree from an approved law school;

(c) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(d) establish that the applicant has never been suspended, disbarred, or otherwise lost a license to practice law as the result of a disciplinary action in any other jurisdiction; is not currently subject to attorney discipline in any other jurisdiction; nor is the subject of a pending disciplinary matter in any other jurisdiction;

(e) establish that the applicant possesses the character and fitness to practice law in Nebraska;

(f) reside or work, or intend within the next 6 months to reside or work, in Nebraska;

(g) be the spouse of an active duty member of the U.S. Armed Forces, who is assigned to a duty station in Nebraska;

(h) not have failed Nebraska's bar examination within 5 years of the date of filing an application under subsection (D);

(i) not have been previously denied admission to the practice of law in Nebraska; and

(j) certify that the applicant has read and is familiar with the Nebraska Rules of Professional Conduct.

(2) **Application and Reduced Fee.** The Commission will make best efforts to expedite applications submitted under subsection (D). The requisite application fee charged for motion application in Nebraska (see Appendix E) shall be reduced by 50 percent for those qualified for admission under subsection (D).

(3) **Termination.** The license to practice law under subsection (D) shall remain in full force and effect until the attorney resigns according to the procedure established under Neb. Ct. R. § 3-803(H) or until further order of the Court. Notwithstanding any other provision of these rules, when an attorney licensed

under subsection (D) seeks resignation, the Court may waive any unpaid mandatory membership assessments for the year of resignation.

(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.

~~(EF)~~ **Other applicants.** Any applicant who does not qualify under § 3-119(A) through ~~(D)~~ (E) is a Class 2 examination applicant.

~~(EG)~~ Applicants who meet the requirements of Class 1-A, Class 1-B, Class 1-C, ~~or Class 1-D,~~ or Class 1-E shall not be permitted to apply for examination without the prior approval of the Commission, which approval may be given on good cause shown.

~~(GH)~~ Except as provided in subsection (D), applications for admission on motion and the required fees shall be submitted as provided under § 3-114(A) and ~~(D)~~ (C).

~~(HI)~~ **Fingerprints.** All applicants are required to submit fingerprints as provided under § 3-114(H).

~~(I)~~ **Reciprocity.** Reciprocity is not an essential element of admission by motion in Nebraska.

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## APPENDIX E

### FEES

- Processing Fee: All applicants shall pay a \$25 fee for the online processing of applications. The processing fee shall be paid electronically at the time an application is submitted on the Admissions application ~~Web site~~ website.
- Examination Fee: An application fee of \$490 ~~payable by bank cashier's check or money order, payable to the Director, Nebraska State Bar Commission, must accompany an application that is submitted on or before March 14, 2015. shall be paid electronically at the time an examination application is submitted online. This fee applies to all first-time examination applications, as well as other examination retake applications that do not include the immediate next examination attempt.~~ The Nebraska State Bar Commission **does not** accept cash, personal checks, or firm checks for examination fees.
- ~~Beginning March 15, 2015, an application fee of \$490 shall be made electronically at the time an application is submitted on the Admissions application Web site.~~
- An application fee of \$225 shall be paid electronically at the time a first-time retake examination application is submitted online. This fee type applies to ONLY the first-time retake application for the immediate next examination.
- No MPRE Score: If an examination application does not include a ~~passing qualifying~~ MPRE score (85 or higher, within the last 3 years), \$100 must be paid ~~by bank cashier's check or money order~~ with paper applications submitted on or before March 14, 2015.
- ~~Beginning March 15, 2015, the \$100 fee for an examination application without a passing MPRE score shall be made electronically on the Admissions application Web site website.~~
- Examination Laptop Fee: Each examination period, applicants will be notified of the fee amount, specific dates and instructions for the registration period provided for downloading examination software. Laptop users are required to submit a notarized liability waiver before they are approved by the director to register and download the bar examination software. Only applicants who have been approved by the director will be permitted to use a laptop for the examinations. Any applicant who does not complete the registration process for the laptop program by the registration deadline will automatically be assigned a seat in the handwriting section.

Motion Fee: ~~Until March 14, 2015, the~~ The required \$925 fee for a Class I-A, Class I-B, and Class I-C applicant must be paid electronically along with the \$25 online processing fee at the time an application is submitted on the Admissions application website. ~~in bank cashier's check or money order only, made payable to the Director, Nebraska State Bar Commission. The Nebraska State Bar Commission does not accept cash, personal checks, or firm checks. The required \$462.50 fee for a Class 1-D applicant shall be made electronically and paid along with the \$25 online processing fee at the time an application is submitted. The required \$450 fee for a Class 1-E applicant shall be paid as designated by the State Bar Commission at the time such application is submitted.~~

~~Beginning March 15, 2015, the application fee of \$925 shall be made electronically at the time an application is submitted on the Admissions application Web site.~~

Late Application Fee: A \$150 late fee must be paid for examination applications received no more than 30 days past the filing deadline for examination applicants.

Copy Fees: Requests for either a certified or noncertified copy of a bar application must be accompanied by a fee of \$35. Forms to request a copy can be found on the Rules and Forms page. This fee can be paid by check.

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**Article 4: Mandatory Continuing Legal Education for Lawyers.**

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**Section 1: Mandatory Continuing Legal Education for Lawyers Rules**

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**§ 3-401.12. Reinstatement for inactive, resigned, retired, or suspended attorneys.**

(A) Attorneys on inactive status as defined by § 3-401.2(F) and attorneys who have resigned or retired from the NSBA as of December 31 of any year who apply for reinstatement to active status pursuant to Neb. Ct. R. § 3-119(E) during any subsequent calendar year shall be required to complete ten (10) hours of approved CLE in the twelve (12) months immediately preceding the application as a condition of reinstatement. Such hours of credit required shall include two (2) hours of professional responsibility education as defined by § 3-401.2(J) and shall be subject to the limitations based on class type as defined by § 3-401.8. In addition if the attorney transferred to an inactive status or resigned while not in compliance with MCLE requirements, the attorney must cure the noncompliance and pay any late fees for the delinquent report. Only those credits earned in the calendar year of reinstatement exceeding the required hours for reinstatement shall be counted toward the credit requirement for the year of reinstatement to active status.

(B) Attorneys suspended from the practice of law for more than 12 months for reasons other than those listed in § 3-401.12(C) shall be required to complete ten (10) hours of approved CLE in the twelve (12) months immediately preceding the application for reinstatement as a condition of reinstatement. Such hours of credit required shall include two (2) hours of professional responsibility education as defined by § 3-401.2(J) and shall be subject to the limitations based on class type as defined by § 3-401.8. Only those credits earned in the calendar year of reinstatement exceeding the ten (10) hours of credit required for reinstatement shall be counted toward the credit requirement for the year of reinstatement to active status.

(C) Attorneys suspended from the practice of law due to the failure to file a report of MCLE or for failing to pay mandatory assessments, prior to reinstatement to the practice of law in Nebraska, shall submit to the Nebraska Supreme Court a written request for reinstatement, together with a written statement from the Director which evidences the payment of any penalties as established by ~~the~~ these rules and the making up of any deficiency in the CLE requirements incurred prior to suspension or, if applicable, during the suspension. In no event shall the hours required for reinstatement exceed a total of 20 hours.

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

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**§ 3-803. Membership.**

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(F) Suspension or Disbarment. Any member who shall be suspended or disbarred from the practice of law by the Supreme Court shall, during the period of such suspension or disbarment, be likewise suspended or barred from membership in this Association. On reinstatement to practice by the Supreme Court, such party shall, ~~on written request and upon payment of the requisite fees and/or assessments, be pay mandatory membership assessments for the year in which he or she is readmitted and all past due mandatory assessments and late fees owed at the time of the suspension or disbarment and complete any CLE requirements pursuant to Neb. Ct. R. § 3-401.12 prior to being restored to membership in this Association. Voluntary membership dues shall not be collected or assessed during suspension or disbarment periods or while an attorney is in retired/resigned status.~~

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(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, 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 and be reinstated as a member of this Association.

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