

On September 13, 2023, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. § 3-401.1 et seq.:

CHAPTER 3: ATTORNEYS AND THE PRACTICE OF LAW

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Article 4: Mandatory Continuing Legal Education for Lawyers.

Section 1: Mandatory Continuing Legal Education for Lawyers Rules

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§ 3-401.2. Definitions.

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(K) In-person credits are CLE credits earned in a setting in which the presenter is physically present with the attendees in the same room or in which video is simultaneously broadcast to an overflow room at a location in which a presenter is in the same room as other attendees.

(L) Distance-learning credits are CLE credits earned in programs in which the presenter is not physically present in the same room as the attendees, including, but not limited to, archived video or audio programs, presentations made via Zoom, WebEx, or similar videoconferencing platforms, live webcasts, telephone broadcasts, or simultaneous broadcasts, unless the video broadcast is directed to an overflow room at a location in which the presenter is in the same room as other attendees.

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§ 3-401.4. CLE requirement.

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(C) An attorney completing more than ten (10) CLE credit hours during the annual reporting period may receive credit in the next succeeding annual reporting period for the CLE credit hours earned in excess of ten (10) hours if the proposed carryover consists of ~~regular/traditional in-person credits earned in a setting in which the presenter is present with the attendees,~~ and provided that the excess CLE credit hours carried over into the next succeeding annual reporting period may not exceed five (5) hours. CLE credit hours in the area of professional responsibility are an annual requirement, and those credit hours shall not roll over.

§ 3-401.5. Exemptions.

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(E) Newly admitted attorneys shall be subject to this article beginning January 1 of the year following admission to the Nebraska State Bar Association. However, up to 5 ~~regular/traditional in-person credits~~ earned in the year of admission may be carried over into the subsequent reporting period.

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§ 3-401.7. Educational standards for CLE courses; application for approval of individual course by program sponsors other than accredited CLE sponsor.

(A)

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~~(6) If the course involves the use of distance learning formats, including, but not limited to, archived video or audio programs, webcasts, telephone broadcasts, or simultaneous broadcasts, unless the broadcast is directed to an overflow room of a regular/traditional class, the credits~~ Distance-learning credits shall be subject to the 5-hour annual cap set forth in § 3-401.8(A). Further, those not physically attending must have the opportunity for interaction with those teaching the course. In the case of archived courses, the interaction component may be satisfied by the sponsor providing contact information for faculty. No credit will be given for archived video or audio programs whose content is more than two (2) years old.

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§ 3-401.9. CLE sponsor reporting of attorney attendance; course promotional material requirements; attorney self-reporting of course completion.

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(B)

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(6) Sponsors shall not provide promotional material or other information to Nebraska attorneys that provides credit totals that differ from the credit total approved by the

Nebraska MCLE Commission. In the case of ~~distance-learning courses~~ programs offering distance-learning credits or in-house programs lasting longer than ~~5~~ five (5) hours, ~~and in the case of in-house programs~~, the course promotional material shall indicate the cap imposed upon such programs contained in §§ 3-401.8(A) and 3-401.8(B).

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§ 3-401.13. Extension of time; waivers.

(A) If, due to disability, hardship, or extenuating circumstances, an attorney is unable to complete the hours of accredited CLE during the preceding reporting period as required by § 3-401.4, the attorney may apply to the Director for an extension of time in which to complete the hours. Such request for extension of time shall be filed with the Director by December 1 ~~of the end~~ of the annual reporting period. No extension of time to complete CLE shall be granted unless written application for the extension is made ~~in the manner prescribed by the Nebraska Supreme Court~~ via the Nebraska Supreme Court Attorney Services Division website. An extension of time shall not exceed a period of six (6) months immediately following the last day of the year in which the requirements were not met.

(B) If, due to disability, hardship, or extenuating circumstances, an attorney is unable to meet the minimum required hours for CLE during the annual reporting period as required by § 3-401.4, or is unable to meet the minimum required hours for CLE without exceeding the limit on distance-learning credits set forth in § 3-401.8, the attorney may apply to the Director for a waiver of the minimum education requirements. Such request for waiver shall be filed with the Director by December 1 ~~of the end of~~ the annual reporting period. No waiver shall be granted unless ~~written application for the waiver is made in the manner prescribed by the Nebraska Supreme Court~~ application is made via the Nebraska Supreme Court Attorney Services Division website. A waiver of the minimum educational requirements shall not exceed one (1) year or ten (10) credit hours. After one (1) year, the attorney may reapply for an extension of the waiver if such disability, hardship, or extenuating circumstances still exist.

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