

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering proposed amendments to Neb. Ct. R. §§ 3-106, 3-116, and 3-119. The Nebraska Supreme Court directed that the proposed amendments be published for a period of public comment.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to joshua.shasserre@nejudicial.gov, with the rule number listed in the subject line, no later than August 1, 2025.

The full text of the proposed amendments is available below, or a paper copy may be obtained by telephoning the office of the Clerk of the Supreme Court and Court of Appeals at 402-471-3731.

CHAPTER 3: ATTORNEYS AND THE PRACTICE OF LAW

Article 1: Admission Rules for the Practice of Law.

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§ 3-106. Communications in official confidence; immunity.

The records, papers, applications, and other documents containing information collected and compiled by the Commission, its members, the director, Commission employees, agents, or representatives are held in official confidence for all purposes other than cooperation with another bar licensing authority. Provided, however, that an applicant's appeal to the Supreme Court may result in such communications becoming public record. The Commission, its members, the director, and all Commission employees, agents, or representatives, and the director, staff, and any volunteers of the Nebraska Lawyers Assistance Program are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of the Commission's duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law. Records, statements of opinion, and other information regarding an applicant communicated to the Commission by any person or entity, firm, governmental authority, or institution, are privileged, and civil suits for damages predicated thereon may not be instituted.

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§ 3-116. Investigation of applicants.

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(F) **Referral to NLAP.** The Commission may refer applicants to the Nebraska Lawyers Assistance Program (NLAP) in the event the application or investigation indicates criminal alcohol or illegal substance offenses or other information indicating an actual or potential impairment related to a substance use disorder or information indicating a cognitive impairment or mental health impairment that impacts fitness to practice law.

(1) When a referral is made to NLAP, the Commission shall provide to NLAP facts and documentation related to the referral.

(2) NLAP may:

(a) recommend the Commission order an evaluation for a substance use disorder, cognitive impairment, or mental health impairment, or

(b) formulate a recommendation to the Commission regarding the existence of a substance use disorder, cognitive impairment, or mental health impairment and whether NLAP monitoring would be a beneficial condition of admission under § 3-120.

(3) After the NLAP recommendation, the Commission may make such further investigation as it deems necessary to inform itself concerning the character and fitness of the applicant.

(4) If additional evaluations are ordered by the Commission, that information shall be made available to NLAP if necessary.

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§ 3-119. Application for admission by motion.

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).

For applicants seeking admission under subsections (A) or (B) of this section, passing scores on the UBE, non-UBE qualifying bar examinations, and the MPRE will not be accepted for admission in Nebraska if more than 5 years ~~has~~ have passed after the release of the passing score. For applicants seeking admission under subsection (C) of this section, passing scores on the UBE, non-UBE qualifying bar examinations, and the MPRE will be accepted for admission in Nebraska regardless of the date of release of the passing score.

All motion applicants, as defined in § 3-101(D), must meet the minimum requirements set forth in § 3-113 in addition to those listed below.

(A) UBE Motion Applicants. “UBE Motion Applicants” are motion applicants who

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

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

(B) Non-UBE Motion Applicants. “Non-UBE Motion Applicants” are motion applicants who

(1) have taken a non-UBE examination and obtained a score which is at least equivalent to the UBE passing score established by the Court and set forth in § 3-117(F); and

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

(C) Practice Time Motion Applicants. “Practice Time Motion Applicants” are motion applicants who

(1) have taken either a UBE or non-UBE examination and obtained the passing score established by the state or jurisdiction where licensed;

(2) have either actively and substantially engaged in the practice of law in another state, territory, or district of the United States or who have properly registered as in-house counsel in Nebraska under Neb. Ct. R. §§ 3-1201 to 3-1204 for 3 of the 5 years immediately preceding application for admission; and

(3) have passed the MPRE with the minimum score established by the state or jurisdiction where licensed. ~~Court and set forth in § 3-117(F).~~

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