

NOTICE OF COMMENT PERIOD

The proposed amendments to Neb. Ct. R. § 3-119 would create a process for the admission of military spouse attorneys to the Nebraska Bar. 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 ashley.nolte@nebraska.gov, no later than February 1, 2018.

The full text of the proposed amendments is available below, or a hard copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

§ 3-119. Application for admission by attorney/Class 1-A, 1-B, ~~and 1-C,~~ and 1-D 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 terminate automatically 60 days after the earliest occurrence of the following events, except as otherwise provided below in the case of death or disability:

(a) the service member separates or retires from the U.S. Armed Forces;

(b) the termination of the attorney's spousal relationship with the service member;

(c) the service member is permanently transferred outside of Nebraska pursuant to military orders, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the attorney may continue to practice until the service member is assigned to a location with dependents authorized;

(d) the attorney permanently relocates to another jurisdiction for reasons other than the service member's permanent transfer outside of Nebraska;

(e) the attorney is admitted to practice law under any other rule of this Court; or

(f) the military spouse attorney resigns membership.

An attorney licensed under subsection (D) shall notify the Attorney Services Division of the event in writing within 60 days after the date upon which the event occurs. If the event occurs because the service member is deceased or disabled, the attorney shall notify the Attorney Services Division within 180 days after the date upon which the event occurs, and upon such notification, the license shall be terminated.

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

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

~~(F)~~ 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 (C).

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

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