

## NOTICE OF COMMENT

The Nebraska Attorney General submitted proposed amendments to Neb. Ct. R. § 3-122, which is entitled “Pro hac vice admission.” The Nebraska Supreme Court directed that the proposed amendments be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed rule amendments. Anyone desiring to submit a public comment for the Supreme Court’s consideration should do so via email to [joshua.shasserre@nejudicial.gov](mailto:joshua.shasserre@nejudicial.gov), with the following text listed in the email subject line: **Neb. Ct. R. § 3-122. Pro hac vice admission**. Comments will be accepted through January 2, 2025.

The full text of the proposal is available below. To obtain a paper copy, please call the Clerk’s Office 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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#### **§ 3-122. Pro hac vice admission.**

Any attorney of good moral character who is admitted to and engaged in the practice of law in the courts of record of another state, the District of Columbia, or a U.S. territory, having professional business in the courts of this state, or before an administrative agency, department, board, or commission (“agency”) in this state, may, in the discretion of the court, the hearing officer or presiding officer of the agency, be admitted for the purpose of transacting such business. In order to be admitted, associated counsel licensed in the State of Nebraska shall file with the court or agency where the case is pending as soon as possible, but no later than the date the applicant files any pleading or appears personally, a motion for admission pro hac vice, ~~see Appendix B.~~ The motion shall be in the form set out in Neb. Ct. R. Chapter 3, Article 1, Appendix B, with references to the court or agency. A separate motion shall be filed in each case. For cases consolidated by order of the court, hearing officer, or presiding officer of the agency, one motion is allowed. Along with the motion filed by the Nebraska attorney, the applicant shall execute an application with the following:

- (A) A statement identifying the party or parties being represented in the case.

(B) A list of all jurisdictions where the applicant for admission pro hac vice is licensed to practice law, together with applicable bar or registration numbers.

(C) An affirmative statement that the applicant is in good standing and eligible to practice law in the aforementioned jurisdictions and is not the subject of a disciplinary action or investigation. If the applicant is the subject of a disciplinary action or investigation, the name and address of the disciplinary authority for the jurisdiction and a brief description of the nature and status of the action or investigation shall be provided.

(D) An affirmative statement that the applicant is subject to the Rules of Professional Conduct, Neb. Ct. R. of Prof. Cond. §§ 3-501.0 to 3-508.5, upon admission pro hac vice.

(E) Unless exempted by Neb. Rev. Stat. § 7-103, a statement, including contact information, that the applicant has associated and is appearing with an attorney who is a resident of Nebraska, duly and regularly admitted to practice in the courts of record of this state, and upon whom service may be had in all matters connected with the action with the same force and effect as if personally made on such foreign attorney within this state. The associating attorney, or his or her designee, shall sign the motion for admission pro hac vice, all pleadings, motions, and papers filed in the case, as well as personally appear at all proceedings before the court or agency, unless excused by the court, hearing officer, or presiding officer.

(F) Fee. A \$250 fee payable to the clerk of each court or agency in which the attorney is appearing or making any filing, for each case the attorney is appearing or making any filing. For cases consolidated by order of the court or agency, one \$250 fee shall be required for all consolidated cases. No refund shall be allowed on cases subsequently consolidated by order of the court or agency. Attorneys initially admitted pro hac vice by the Nebraska Court of Appeals on appeal need not file a second motion and pay another fee in the Nebraska Supreme Court if that same appeal is later docketed in the Court for any reason. The Clerk of the Court or agency shall remit the fee to the State Treasurer for credit to the Nebraska Supreme Court's Counsel for Discipline Cash Fund not later than the 15th day of the month following the calendar month in which the fee was received. If the motion for pro hac vice admission is not granted, the Clerk of the Court or agency shall refund the \$250 fee. A court or agency may, in its discretion and upon written motion, waive the fee for applicants who are representing governmental entities or providing pro bono representation of an indigent client.

Once the motion is granted, the applicant shall take and subscribe the oath required to be taken by individuals regularly practicing before the courts of this state as set forth in

Neb. Rev. Stat. § 7-104, and the subscribed oath shall be filed by the applicant with the Clerk of the Court or agency in which the applicant is appearing. The subscribed oath shall be made part of the court or agency record. See Appendix B. Counsel representing an Indian child's tribe or tribes in a child custody proceeding under the Nebraska Indian Child Welfare Act, Neb. Rev. Stat. § 43-1501 et seq., shall be exempt from all requirements of § 3-122. Counsel appearing before the Nebraska Workers' Compensation Court shall comply with all requirements of § 3-122.

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