

NOTICE OF COMMENT PERIOD

On June 22, 2022, the Nebraska Supreme Court considered proposed amendments to Neb. Ct. R. §§ 3-314 and 3-318(D)(7). 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 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 wendy.wussow@nebraska.gov, with Neb. Ct. R. §§ 3-314 and 3-318(D)(7) listed in the subject line, no later than August 1, 2022.

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

CHAPTER 3: ATTORNEYS AND THE PRACTICE OF LAW

Article 3: Discipline Procedures for Lawyers.

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§ 3-314. Right of appeal.

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(D) Either the Respondent or the Counsel for Discipline may appeal to the Disciplinary Review Board a reprimand issued to the Respondent by the Committee on Inquiry upon written application filed with the Chairperson of the Disciplinary Review Board within thirty days of issuance of the reprimand. ~~Either the Respondent or the Counsel for Discipline may appeal to the Court the action of the Disciplinary Review Board.~~

(E) If the Disciplinary Review Board has issued a private reprimand to the Respondent, then the Respondent may file an appeal with the Clerk within thirty days of the Disciplinary Review Board decision. Counsel for Discipline may not appeal to the Court the issuance of a private reprimand from the Disciplinary Review Board. In the event that the Respondent files an appeal of a private reprimand to the Court, then the Counsel for Discipline shall file formal charges as provided in § 3-310 and the procedures outlined in § 3-310 shall be followed.

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§ 3-318. Publicity of disciplinary proceedings and sequestration of witnesses.

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(D) The following provisions regarding the confidentiality of various disciplinary pleadings filed in the Supreme Court shall apply:

TYPE OF PLEADING FILED	BECOMES PUBLIC RECORD
(1) Formal Charges.	Upon filing.
(2) Application for Disability Inactive Status based upon competency or incapacity pursuant to § 3-803(B)(2) or § 3-311.	Shall not be made public until status is entered by the Court. If Application is denied, the case remains confidential.
(3) Application for Reinstatement pursuant to § 3-311.	Upon filing.
(4) Application for Temporary Suspension based upon continuing damage to the public or conviction of a serious crime.	Upon filing.
(5) Application for Reinstatement after Temporary Suspension due to § 3-312.	Upon filing.
(6) Conditional Admission of Complaint or Formal Charges.	Remains confidential until the Court approves the Conditional Admission.
(7) Appeal of Disciplinary Review Board decision to issue Private reprimand.	Remains confidential unless Formal Charges are entered with the Court. <u>Upon filing by the Respondent.</u>
(8) Voluntary Surrender of License.	Upon filing.
(9) Application for Reinstatement after Suspension or Disbarment.	Upon filing.

(E) The Counsel for Discipline may release confidential information to the Client Assistance Fund Claims Board of the Nebraska State Bar Association as needed to further the work of the Claims Board. Such information shall not be made public other than as necessary to discharge the duties of the Claims Board.

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