

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court considered proposed amendments to the Mandatory Continuing Legal Education (MCLE) rules and the State Bar Association membership rules under Neb. Ct. R. §§ 3-401.11 and 3-803, respectively, regarding hearing requirements and the notice delivery requirements in matters concerning licensure and MCLE noncompliance. The 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 e-mail to wendy.wussow@nebraska.gov, **with the rule section(s) listed in the subject line**, no later than December 1, 2021.

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

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Article 4: Mandatory Continuing Education for Lawyers.

Section 1: Mandatory Continuing Education for Lawyers Rules

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§ 3-401.11. Sanction for failure to satisfy CLE requirements.

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(D) The Nebraska Supreme Court shall enter an order to show cause why such attorney should not be suspended from the practice of law as an active member of the Nebraska State Bar Association. Such order shall be sent to the attorney by regular mail and email and notify the attorney that a response to the order to show cause may be submitted by affidavit to the commission which shall provide the same to the Nebraska Supreme Court. The Nebraska Supreme Court shall, after ~~hearing thereon if requested~~ consideration of the matter, enter such an order as it may deem appropriate. If an order of suspension shall be entered, such attorney shall not practice law until restored to active status as set forth below.

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Article 8: State Bar Association; Creation; Control; and Regulation.

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§ 3-803. Membership.

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(E) Delinquency and Reinstatement. All mandatory membership assessments not paid by April 1 of the current calendar year shall be considered delinquent; and the Administrator of Attorney Services Division shall send written notice, by ~~certified~~ regular mail and email, to each member then delinquent in the payment of his or her assessments, which notice shall be addressed to such member at his or her last reported addresses, and shall notify such member of such delinquency. All members who shall fail to pay delinquent assessments within 30 days thereafter shall be reported to the Supreme Court by the Administrator of Attorney Services Division, and the Supreme Court shall enter an order to show cause why such member shall not be suspended from membership in this Association. The Supreme Court shall, after hearing conducted upon affidavit if submitted by the member ~~thereon~~, enter such an order as it may deem appropriate. If an order of suspension shall be entered, such party shall not practice law until restored to good standing. Whenever a member suspended for nonpayment of mandatory membership assessments submits an application with Attorney Services seeking reinstatement, the member shall make payment of all arrears, and shall satisfy the Supreme Court of his or her qualification to then return to the active practice of law. The Administrator of Attorney Services shall submit the completed application with the Court after gathering the necessary reinstatement information. The Administrator of Attorney Services Division shall keep a complete record of all suspensions and reinstatements. No person, while his or her membership is suspended, shall be entitled to exercise or receive any of the privileges of membership in this Association.

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