

NOTICE OF COMMENT PERIOD

Proposed amendments to Neb. Ct. R. § 3-803 were submitted to the Nebraska Supreme Court by the Nebraska State Bar Association. Before consideration, 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 the rule number listed in the subject line, no later than May 2, 2022.

The full text of the proposed amendments are 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

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

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§ 3-803. Membership.

(A) Requirements and Records of Membership.

(1) All persons who, on the date that these rules go into effect, are admitted to the practice of law in this State, by order of the Nebraska Supreme Court, shall constitute the members of this Association, subject to due compliance with the requirements for membership hereinafter set forth, including payment of mandatory membership assessments as may be fixed by the Nebraska Supreme Court.

(2) The Administrator of Attorney Services Division, who shall be an employee of the Nebraska Supreme Court, shall maintain all records of membership of the Association and perform all other duties and responsibilities required by the Supreme Court and these rules.

(B) Classes. Members of this Association shall be divided into five classes, namely: Active members, Inactive members, Disability Inactive members, Law Student members, and Emeritus members.

(1) All members who are licensed to engage in the active practice of law in the State of Nebraska, who do not qualify for and apply for Inactive membership status, and who are not Law Student members, shall be Active members.

(2) Any member who is not actively engaged in the practice of law in the State of Nebraska, or who is a nonresident of the State of Nebraska and not actively engaged in the practice of law in Nebraska, and who is not an Emeritus member, may, if he or she so elects, be placed in Inactive membership status. In the event the member has an impairment which prevents an active law practice, the member may apply for Disability Inactive Status membership. See Neb. Ct. R. § 3-311(C). A member granted such status shall not be required to pay annual inactive dues during the period of disability. The application and supporting information shall be confidential pursuant to § 3-318(D)(2). An order granting the application shall be public pursuant to § 3-318(D)(2).

A member desiring to be placed in any Inactive membership status shall file a written application therefor with the Administrator of Attorney Services Division and, if otherwise qualified, shall be placed in such inactive status classification. No Inactive members shall practice law in Nebraska, or vote or hold office in this Association. A lawyer registered under this section is authorized to provide pro bono legal services through an established not-for-profit association, pro bono program, or legal services program or through such organizations specifically authorized in Nebraska. Any Inactive member may, on filing application with the Administrator of Attorney Services Division and upon payment of the required fees and dues, and compliance with such requirements as may be imposed by the Supreme Court to show fitness to engage in the active practice of law in this State as provided by § 3-803(F), become an Active member. The State Bar Commission shall conduct a review of the member's character and fitness and make a recommendation to the Court evincing the member's fitness to become an Active member. (Appendix A). Members on disability inactive status shall apply for reinstatement as provided in § 3-311(G).

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