

## NOTICE OF COMMENT PERIOD

The Nebraska State Bar Commission proposes rule amendments to Chapter 3, Article 1, Admission Rules for the Practice of Law.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments to Chapter 3, Article 1. 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: **Chapter 3, Article 1, Admission Rules**. Comments will be accepted through March 3, 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.

....

#### § 3-101. Definitions.

(A) **Approved law school.** “Approved law school” is one which, at the time of the applicant’s graduation, is approved by the American Bar Association pursuant to its Standards and Rules of Procedure for Approval of Law Schools.

(B) **Adverse decision.** “Adverse decision” means

(1) a denial by the Bar Commission of an applicant’s request for admission or permission to sit for a bar examination;

(2) a denial by the Bar Commission of a request for special testing accommodation; or

(3) a failure to meet the required character and fitness as determined by the Bar Commission upon an application:

(a) for reinstatement after an administrative suspension under § 3-803(F)(2),

(b) for reinstatement after resignation under § 3-119(E), or

(c) to move from inactive membership to active membership status under § 3-803(B)(2).

(4) An adverse decision does not include a failure to achieve a passing score on the bar examination, denial of waiver of application requirements, administrative withdrawal, or rejection by the director of an application for admission by examination under § 3-114.

(C) **Applicant.** “Applicant” means either a motion applicant or an examination applicant.

~~(D)~~ (D) **Motion applicant.** “Motion applicant” means any person who, is licensed and is 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 satisfies the requirements of Neb. Ct. R. § 3-119 at the time of filing his or her application for admission to practice law in this state, has been admitted to practice before the highest court of another state, the District of Columbia, or any jurisdiction where the Common Law of England constitutes the basis of jurisprudence.~~

~~(D)~~ **(E) Examination applicant.** “Examination applicant” means any person who has graduated from an approved law school other than a motion applicant.

~~(E)~~ **(F) Court or Supreme Court.** “Court” or “Supreme Court” means the Supreme Court of the State of Nebraska.

~~(F)~~ **(G) State.** “State” means State of Nebraska.

~~(G)~~ **(H) Commission.** “Commission” means the Nebraska State Bar Commission.

~~(H)~~ **(I) MBE.** “MBE” means the Multistate Bar Examination provided by the National Conference of Bar Examiners.

~~(I)~~ **(J) MEE.** “MEE” means the Multistate Essay Examination provided by the National Conference of Bar Examiners.

~~(J)~~ **(K) MPRE.** “MPRE” means the Multistate Professional Responsibility Examination provided by American College Testing.

~~(K)~~ **(L) MPT.** “MPT” means the Multistate Performance Test provided by the National Conference of Bar Examiners.

~~(L)~~ **(M) UBE.** “UBE” means the Uniform Bar Examination provided by the National Conference of Bar Examiners. The UBE is composed of the MEE, MPT, and MBE.

~~(M)~~ **(N) NCBE.** “NCBE” means the National Conference of Bar Examiners.

~~(N)~~ **(O) Rules or These Rules.** “Rules” or “These Rules” means §§ 3-100 through 3-129 of the Rules Relating to Admissions.

~~(O)~~ **(P) Transcript.** “Transcript” means a duly authenticated copy of courses and credits earned demonstrating the completion of educational qualifications for admission to the practice of law in the State of Nebraska.

~~(P)~~ (Q) **Substantially engaged in the practice of law.** “Substantially engaged in the practice of law” means primarily engaged in legal work performing any combination of the following:

....

~~(Q)~~ (R) **Active and in good standing.** An applicant who is “active and in good standing” means an applicant who is admitted to the bar of another state and is not disbarred, is not under disciplinary suspension, has not resigned from the bar of such other state while under disciplinary suspension or while under disciplinary proceedings, or is not the subject of current or pending disciplinary proceedings, or who, having been disbarred or suspended, has been duly and fully reinstated.

~~(R)~~ (S) **Director.** “Director” shall mean the director of the Bar Commission and director of admissions. The director is the Clerk of the Nebraska Supreme Court.

....

### **§ 3-103. Director of admissions; duties.**

(A) The Director of Admissions shall be the Clerk of the Supreme Court. The director shall serve under the supervision of the Court and perform such duties for the Commission as these ~~¶~~Rules may require. The director shall not be a member of the Commission, but shall, for purposes of these ~~¶~~Rules, act as the director of the Bar Commission and director of admissions (director).

(B) The director shall be responsible for the administrative functions of the Commission, ~~which include, but are not limited to, overseeing the bar examination, ensuring adequate grading resources are in place, conducting character and fitness investigations, and making such reports to the Supreme Court~~ as directed.

(C) As directed and delegated by the Commission, ~~t~~The director ~~shall~~ may make the initial determination as to whether an application for admission meets the admission requirements established in Neb. Ct. R. §§ 3-113, 3-114, and 3-119.

....

**§ 3-110. Forms ~~Rules~~ and regulations.**

The Commission may make such regulations and adopt such forms as it deems necessary to implement these ~~Rules~~. Regulations shall be approved by the Supreme Court.

....

**§ 3-114. Application for admission by examination applicants.**

Each applicant ~~will be required to~~ shall 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 director ~~may~~ shall reject any incomplete application or any application filed after the deadlines provided in § 3-114(B). Such rejection shall not constitute an adverse decision as defined in § 3-101(B). The applicant will be informed of the consequences of failing to produce information requested by the Commission and of making material omissions or misrepresentations. (Appendix A).

(A) **Form and content of application.** All applications must be made through the Court's online application system and in the manner prescribed by the Commission as outlined in the application. The Commission may modify or amend the forms as deemed necessary.

(B) **Time for filing application.** All dates and times referred to herein are based on central time. The deadline for submission of any examination application is 11:59 p.m. on the dates listed below. Deadlines are strictly enforced. No extensions are permitted.

(1) First-time examination applications. Applicants that were not seated for the immediate prior examination. The application must be completed and filed may submit a completed application beginning no earlier than September 1 and no later than ~~November 4~~ October 15 preceding the February examination and beginning no earlier than January 2 and no later than March 1 preceding the July examination. ~~Applications filed fewer than 30 days after the deadline are subject to a late fee. Applications filed more than 30 days after the deadline will not be accepted.~~

(2) Second or subsequent exam applications. Applicants who failed did not obtain a passing score on the immediate prior examination may submit an application for the next examination no later than May 15 for the next July examination and no later than October

~~15 for the next February examination. file up to 30 days from the date of notification of examination results without paying a late fee.~~

(C) **Fees.** No application ~~for examination and admission~~ shall be accepted by the director of admissions unless such application is accompanied by the full amount of examination, investigation, and administrative fees required by these Rules. (Appendix E).

The application fee shall be paid electronically through the Admissions application website at the time the application is submitted. A laptop fee for the MEE and MPT portion of the examination must be paid directly to the examination software vendor selected by the Commission.

(D) **Refund policy.** ~~If the applicant has registered for the bar examination and cancels not more than 30 days prior to the examination, only the portion of the fee charged for the UBE test documents will be refunded.~~ Refunds are allowed upon written or electronic mail request to the director, subject to the following:

(1) If the request is made between October 15 and December 1 for the February examination, and between March 1 and May 1 for the July examination, the examination fee, minus the cost of the fingerprint application, will be refunded.

(2) If the request is made between December 2 and February 1 before the February examination, or between May 2 and July 1 before the July examination, one-half the examination fee will be refunded, minus the cost of the fingerprint application.

(3) Emergency requests for refunds after the dates listed in (2) are at the discretion of the Director. If such refunds are granted, only the portion of the fee charged for the UBE test documents will be refunded.

(E) **Failure to appear for examination.** If the applicant has registered for the bar examination and fails to appear for the examination, no refund or deferment of fees is permitted.

(F) **Deferment.** ~~Provided at least 30 days written or electronic mail notice has been given to the director prior to the date set for the examination, r~~Registration fees which have been paid for a bar examination may be held over and applied toward the next available bar examination provided the request for deferment is made on or before February 1 for the February exam and on or before July 1 for the July exam. Emergency

requests for deferment after the dates listed in this section are at the discretion of the director. Only one deferment is permitted per applicant. No additional deferments are not permitted.

**(G) Multistate Professional Responsibility Examination (MPRE) scores.** MPRE scores must be on file by the application deadline of ~~November 1~~ October 15 for the following February examination and March 1 for the following July examination. Scores submitted after these dates are subject to the MPRE late submission fee. The scaled score of 85 is required for a passing grade. ~~If the MPRE score is not on file by the application deadline, the late fee applies.~~ An applicant who has passed the bar examination in Nebraska but who has not submitted a passing MPRE score within 1 year after passing the bar examination shall not be admitted in Nebraska. The Commission will not accept an MPRE score that is more than ~~3~~ 5 years old.

....

**(I) Limitation on repeated attempts.** In no event shall an applicant apply to sit for the Nebraska State Bar Examination after having failed to pass a bar examination on four previous attempts total in any jurisdiction, or a combination of jurisdictions.

### **§ 3-115. Reasonable accommodation.**

**(A) Policy.** It is the policy of the Nebraska State Bar Commission to administer the bar examination in a manner that does not discriminate on the basis of disability and is in accordance with the Americans with Disabilities Act, as amended (ADA). An applicant who is otherwise eligible to take the bar examination may file a request for special testing accommodations. (Appendix D).

....

**(C) Requests.** A Request for special testing accommodation will be submitted on forms prescribed by the Commission, ~~and consists of all of the following:~~

~~(1) a statement from the applicant, including a description of the applicant's disability and the special accommodations requested;~~

~~(2) a statement from the applicant's appropriate health care professional(s) certifying the applicant's disability;~~

~~(3) a statement from any educational institution or employer that provided special accommodations to the applicant while the applicant attended the educational institution or was employed by the employer, certifying the accommodation provided; and~~

~~(4) an authorization for release of records from the applicant's physician(s) and/or other appropriate health care or mental health professional(s) for the purpose of assessing the disability, and accommodations which may be required.~~

**(D) Filing of requests.** A request for special testing accommodations for an examination must be filed with the applicant's Application to take the bar examination and by the deadline in § 3-114(B).

~~(E) **Forms.** All forms necessary to complete a request for special testing accommodations will be available at no charge from the director of the Nebraska State Bar Commission. The applicant may file any additional documentation in support of the request.~~

~~(F) **(E) Review.** The Commission will review all requests for special testing accommodations that are properly filed in accordance with this Rule. Requests that are not timely filed, incomplete, or otherwise do not comply with the requirements of this policy rule may be rejected for consideration by the Commission. The Commission may ask an applicant to submit additional information to support the applicant's request. (Appendix C).~~

~~(G) **(F) Additional professional assistance.** The Commission and/or director may seek the assistance of a medical, psychological, or other expert of the Commission's or director's selection in reviewing a request for accommodation when in the opinion of the director and/or Commission, the application is not clear that an accommodation should be granted. (Appendix C).~~

~~(H) **(G) Independent evaluations.** The Commission may ask the applicant to submit to an independent evaluation conducted by an appropriate health care professional selected by the Commission. The cost of the independent evaluation shall be paid by the Commission.~~

~~(I) **(H) Disability after initial application.** If an applicant becomes disabled after the timely submission of an application for examination and admission and such applicant seeks reasonable accommodation in testing on account of such disability, the applicant~~



shall file an emergency request for reasonable testing accommodation on forms prescribed by the Commission.

~~(I)~~ **(I) Review of requests.** The Commission shall review all requests for special testing accommodations that are properly filed in accordance with this rule. The Commission may ask an applicant to submit additional information to support the applicant's request. (Appendix C). In reviewing a request, the Commission will follow these procedures.

(1) The Commission will make a determination, and the director will send notification of the determination to the applicant in writing by email to the address provided by the applicant, no fewer than ~~25~~ 90 days before the examination.

~~(2) The Commission's denial of a request will be in writing and sent to the applicant by certified mail to the address provided by the applicant on the request.~~ The Commission's denial will include an explanation for the basis of the denial. The Commission will also provide the applicant with a copy of the written report of any expert it has consulted in reviewing the request.

(3) The applicant may appeal the denial of a request to the Supreme Court in accordance with § 3-126.

~~(J)~~ **(J) Standards for decision on merits.** The Commission will grant a request and provide special testing accommodations to an applicant if it finds all of the following:

- (1) the applicant has a disability and is otherwise eligible to take the bar examination;
- (2) the special testing accommodations are necessary to ameliorate the impact of the applicant's disability; and
- (3) the special testing accommodations are reasonable accommodations.

~~(K)~~ **(K) Determination by Commission.** The Commission will have sole discretion to determine what special testing accommodations are reasonable accommodations. The Commission may provide accommodations different than those requested by the applicant if the Commission determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability.

~~(M) Dictation of answers.~~ If an applicant is permitted to dictate answers to the essay portion of the examination, those answers will be transcribed by personnel selected by the Commission.

~~(N)~~ (L) **Confidentiality.** All requests for special testing accommodations, supporting documentation, and information developed by the Commission with respect to the requests will remain confidential; however, the Commission may reveal the contents of an application to its experts in assessing and commenting on the matters contained in the application. (Appendix C).

....

### § 3-117. Examination.

....

#### (E) Mode of examination.

(1) **Identification.** Identification. The Commission shall utilize an identification procedure that ensures the anonymity of the examinees throughout the examination and grading process.

(2) **Conduct of examinees.** Conduct of examinees. Applicants shall not bring into the test site or use any books, memoranda, notes, or any unauthorized material or devices to assist them in answering questions. ~~The director shall adopt such rules as are necessary to ensure the books, materials, notes, or any other devices are not present during the examination.~~ All questions shall be answered solely from the applicant's own knowledge and without assistance from any other source. No questions, answer sheets, or other materials relating to the MBE or MEE shall be copied or removed from the examination room. Examinees shall conduct themselves respectfully toward examination officials, proctors, and fellow candidates. Disruptive behavior, including excessive noise or use of electronic devices without permission will be considered a violation of this subsection.

(3) **Anonymity of grading.** Anonymity of grading. Applicants shall not in any manner attempt to influence the grading of their examinations Applicants shall not identify (or attempt to identify) themselves, their identification numbers, or their answers to any member of the Commission or any other person.

(4) ~~Penalty for violation.~~ *Penalty for violation.* If an applicant violates or attempts to violate § 3-117(E)(1) through (3), the applicant shall be given an automatic failing grade on the entire examination. The circumstances may be considered by the Commission as grounds for barring the applicant from retaking the Nebraska State Bar Examination at a later session.

(5) ~~Handling of examination papers.~~ *Handling of examination papers.* At the beginning of each examination session, the examiner shall deliver to the applicants a copy of the questions to be answered at that session. The MBE, MPT, and the MEE shall be administered in the manner prescribed therefor. No questions, answer sheets, or other materials relating to the MBE or MEE shall be copied or removed from the examination room. Answers to the essay questions shall be typed or written on paper supplied by the Board. The applicant shall write all answers legibly in ink or by computer. The applicant must label and number his or her answers to correspond with the subject matter and numbers of that part of the examination and shall consecutively number each page of his or her answers to each part of the examination.

(6) ~~Proctors.~~ *Proctors.* Proctors shall perform such duties as are assigned to them by the director of admissions. Their purpose shall be to facilitate the conduct of the examination and to ensure its integrity. Proctors shall not discuss, under any circumstances, the content of the examination with an applicant. The Commission may employ law enforcement officers to ensure safety and security of the examination site. Officers shall not discuss, under any circumstances, the content of the examination with an applicant.

(F) **UBE passing score.** The passing score will be established from time to time by the Nebraska Supreme Court. The passing score for the bar examination is currently a score of 270 on a single administration of the examination, determined by the scaled score on the MBE (multiple choice) weighted at 50 percent, the scaled score on the MPT weighted at 20 percent, and the scaled score on the MEE weighted at 30 percent. The passing score for the MPRE is currently 85.

~~(G) **Stale scores.** For Class 1-A and 1-C applicants seeking admission under § 3-119, passing scores on the UBE, non-UBE qualifying bar examinations, and the MPRE will not be accepted for admission in Nebraska if more than 3 years has passed after the release of the passing score.~~

~~(H)~~ (G) **Examination results/Commission reports.** As soon as practicable after the conclusion of the examination, the Commission will make a written report to the Court of

its recommendations. Upon a determination by the Commission that an applicant possesses all of the requirements of eligibility for admission to the bar and that he or she has successfully passed the UBE and MPRE, the Commission shall recommend to the Court that such applicant is eligible for admission.

~~(H)~~ **(H) Notice to applicant.** The Court shall notify, in writing, each applicant whether he or she has passed or failed the examination. All applicants who are approved by the Court will be admitted to practice upon taking the oath prescribed by law and by filing an executed oath card with the Attorney Services Division of the Nebraska Supreme Court. No applicant shall be admitted as a licensed attorney in Nebraska until ~~her~~ he or she has returned an executed oath card to the Attorney Services Division of the Nebraska Supreme Court within 120 days of being given the oath card.

~~(I)~~ **(I) Destruction of examinations.** Unless otherwise directed by the Court, or the Commission, or as provided in § 3-121, all test questions and answers will be destroyed in accordance with procedures established by NCBE. ~~examination papers shall be destroyed by the director 1 year after each examination.~~

....

**§ 3-119. Application for admission by motion ~~Attorney/Class 1-A, 1-B, 1-C, 1-D, and 1-E 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).

For applicants seeking admission under this section, passing scores on the UBE, non-UBE qualifying bar examinations, and the MPRE will not be accepted for admission in Nebraska if more than 5 years has passed after the release of the passing score.

All motion applicants must meet the minimum requirements set forth in § 3-113 in addition to those listed below.

~~(A) Class 1-A applicants.~~ **UBE Motion Applicants.** ~~Class 1-A applicants “UBE Motion Applicants” are motion applicants who may be admitted to practice in Nebraska upon approval of a proper application and:~~

~~(1) who have taken the UBE in another state or jurisdiction and earned at least the minimum score established by the Court and set forth in § 3-117(F) 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; 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;~~

~~(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) (2) 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. Non-UBE Motion Applicants.** “Non-UBE Motion Applicants” are motion applicants who Class 1-B applicants who may be admitted to practice in Nebraska upon approval of a proper application are those who:~~

~~(1) have taken a non-UBE examination and previously obtained a passing score which is at least equivalent to the UBE passing score established by the Court and set forth in § 3-117(F) on a bar examination; and~~

~~(2) 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~~

~~(2) have passed the MPRE with the minimum score established by the Court and set forth in § 3-117(F).~~

~~(3) have actively and substantially engaged in the practice of law in another state, territory, or district of the United States or who have properly registered as in-house counsel in Nebraska under Neb. Ct. R. §§ 3-1201 to 3-1204 for 3 of the 5 years immediately preceding application for admission; and~~

~~(4) 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. Practice Time Motion Applicants.~~ “Practice Time Motion Applicants”** are motion applicants who ~~Class 1-C applicants who may be admitted to practice in Nebraska upon approval of a proper application are those:~~

(1) have taken either a UBE or non-UBE examination and obtained the passing score established by the state or jurisdiction where licensed;

(2) have either actively and substantially engaged in the practice of law in another state, territory, or district of the United States or who have properly registered as in-house counsel in Nebraska under Neb. Ct. R. §§ 3-1201 to 3-1204 for 3 of the 5 years immediately preceding application for admission.; and

~~(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. Military Spouse Motion Applicants.~~ “Military Spouse Motion 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. Requirements.~~ An applicant under subsection (D) must:

....

(2) ~~Application and Reduced Fee. 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.~~ Termination. The license to practice law under subsection (D) shall remain in full force and effect until the attorney resigns according to the procedure established under Neb. Ct. R. § 3-803(H) or until further order of the Court. Notwithstanding any other provision of these ~~Rules~~ Rules, when an attorney licensed under subsection (D) seeks resignation, the Court may waive any unpaid mandatory membership assessments for the year of resignation.

~~(E) Class 1-E Applicants.~~ Class 1-E applicants are motion applicants who were previously admitted to practice in Nebraska and subsequently retired or resigned membership in the Nebraska State Bar Association. Such applicants may be reinstated to practice in Nebraska upon approval of a proper application by the Commission. Prior to reinstatement, the former member shall make payment of any mandatory membership assessment and any late fees due at the time of resignation and cure any noncompliance with MCLE requirements.

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

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

~~(H) (E)~~ 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).

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

(G) Each applicant will be required to complete and file an application and to sign an authorization and release form that extends to the Commission and to any persons or institutions supplying information thereto.

(H) If, after review of a filed Motion Application, additional information is needed by the Commission, the director or Commission may request specific information with a specified due date. If the applicant fails to respond and submit the additional requested information by the due date, then that Application may be administratively withdrawn.

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

....

**§ 3-121. Application for waiver of provisions.**

(A) An applicant seeking waiver of any provision of these Rules must first file an application for waiver with the Commission and may not directly petition the Court for a waiver of any provision of these Rules.

(B) Upon receipt of an application for waiver, the Commission may request additional documentation, including information that would be provided in an application for admission.

(C) After reviewing the application and any supporting documentation, the Commission shall provide the Court with its recommendation as to whether to grant or deny the waiver application. Such recommendation by the Commission shall set forth the applicant's qualifications, character and fitness, and other relevant information relied upon by the Commission in reaching its recommendation. The recommendation shall include the application and any supporting documents used in the Commission's decision.

(D) The Court, upon receipt of a recommendation from the Commission, may in its discretion vary the application or waive any provision of these Rules for an applicant.

(E) A recommendation to deny an application for waiver by the Commission or a denial of the waiver requested in the application shall not constitute an adverse decision under §3-101(B). There is no further right of review of the Court's decision.

~~The Court, upon application made to the Clerk of the Supreme Court, may in its discretion vary the application or waive any provision of these rules where strict compliance will cause undue hardship to the applicant. Such application shall be in the form of a verified petition setting forth the applicant's qualifications, character and fitness, and the facts relied upon and a request for waiver of a specific qualification. This section shall not be used where an applicant has received an adverse decision under § 3-101(B).~~

....



**§ 3-123. Review by Commission.**

(A) Any applicant who has had an adverse decision, as defined in § 3-101(B), may within 30 days after the email notice mailing of the adverse decision request a hearing before the Commission. The Nebraska Rules of Evidence do not apply to hearings before the Commission under these Rules.

(B) ~~The applicant shall:~~ **Hearing Procedure.** The Commission shall set the matter for hearing as soon as practicable. The Commission may set additional hearings as necessary. The following shall be allowed:

(1) the applicant may have an attorney present ~~appear~~ at the hearing ~~and make an oral presentation~~ and

(2) the applicant may submit ~~present~~ a concise written brief 7 days prior to the hearing setting forth the reasons why the adverse decision or other challenged ruling of the Commission should be altered.

(C) The Commission or applicant may, at either the Commission's or the applicant's expense, arrange to have the proceeding recorded and transcribed ~~for use by the Commission or by the Court on appeal.~~

(D) Both the Commission and the applicant may present evidence in the form of witnesses and documents. The Commission may limit argument, request briefing on specific matters and subpoena documents or witnesses. Without waiving any rules of confidentiality stated in these Rules, the Commission may, in its discretion, provide to the applicant copies of any of its documentary evidence in advance of the hearing.

(E) The Commission will advise the applicant of its decision in writing. In the event that the applicant is dissatisfied with the decision of the Commission, the applicant may, within 30 days from the date of the written decision of the Commission, appeal the decision to the Supreme Court as provided in § 3-126.

**§ 3-124. Administration of oaths; power of subpoena**

Each member of the Commission is hereby authorized to administer oaths in any proceeding before the Commission on matters relative thereto and has power in such matters to subpoena witnesses and documents and take depositions.

....

**§ 3-129. Resignation; readmission.**

Any attorney admitted to practice law in the State of Nebraska who resigns membership in the Nebraska State Bar Association will no longer be permitted to practice law in the State of Nebraska until readmitted under these ~~Rules~~. The Commission shall conduct character and fitness investigations of any attorney seeking readmission under these Rules before an attorney may be readmitted.

....