

NOTICE OF COMMENT PERIOD

On April 15, 2020, the proposed amendments to Neb. Ct. R. §§ 3-401.2 and 3-402.2 recommended by the Mandatory Continuing Legal Education Commission were considered by the Nebraska Supreme Court. 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 section(s) listed in the subject line, no later than June 1, 2020.

The full text of the proposed amendments are available below, or a hard 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 Legal Education for Lawyers.

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Section 1: Mandatory Continuing Legal Education for Lawyers Rules

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§ 3-401.2. Definitions.

For purposes of Neb. Ct. R. §§ 3-401.1 through 3-402.3, the following definitions shall apply:

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(J) Professional responsibility: As used herein, professional responsibility includes instruction in the following areas: legal ethics; professionalism; diversity in the legal profession; malpractice prevention; recognizing and addressing substance abuse and mental health issues in the legal profession; wellness; Nebraska Supreme Court Rules Relating to Discipline of Attorneys; ethical standards as they relate directly to law firm management; the benefits and risks associated with relevant technology; information security; the effects of technology on client confidentiality and other ethical issues; and duties of attorneys to the judicial system, public, clients, and other attorneys. In order for a program to qualify for professional responsibility credit, the program must focus on professional responsibility as defined in this rule. Professional responsibility does not include instruction in how to operate certain technology.

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Section 2: Nebraska Supreme Court Continuing Legal Education Commission Rules

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§ 3-402.2. Review hearings before commission.

(A) If so requested by the party submitting the underlying request at issue, the commission shall grant a review hearing on the following issues relating to § 3-401.1 et seq. listed below, however no hearing shall be granted in situations where the resolution will have no impact on the record of the attorney such as when an attorney has met or exceeded the annual requirements for CLE under these rules:

(1) The Director's denial of accredited CLE Sponsor status to a person or organization pursuant to § 3-401.6.

(2) The Director's denial of individual course approval to a person, organization, or attorney as set forth in § 3-401.7 and § 3-401.6(C).

(3) The Director's denial of an attorney's request for credit for activities other than attending accredited or approved courses as set forth in § 3-401.8.

(4) The Director's denial of an attorney's request pursuant to § 3-401.10(D) to obtain an extension of time to file the written reports required by § 3-401.10.

(5) The Director's denial of an attorney's application pursuant to § 3-401.13 to obtain an extension of time to complete or obtain a waiver of the minimum educational requirements as set forth in these rules.

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