

On December 14, 2016, the Nebraska Supreme Court adopted the following rule amendments to the Discipline Procedures for Lawyers rules and the Trust Fund Requirement rules, specifically to Neb. Ct. R. §§ 3-803(A) and (D) and 3-905.

**Article 3: Discipline Procedures for Lawyers.**

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**§ 3-803. Membership.**

(A) Requirements and Records of Membership.

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(6) In order to make information available to the public about the financial responsibility of each active member of this Association for professional liability claims, each such member shall, upon admission to the Bar, and as part of each application for renewal thereof, submit the certification required by this rule. For purposes of this rule, professional liability insurance means:

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Each active member shall certify to the Nebraska Supreme Court, through its Administrator of Attorney Services Division, on or before January 4<sup>th</sup> 20 of each year: 1) whether or not such member is currently covered by professional liability insurance, other than an extended reporting endorsement; 2) whether or not such member is engaged in the private practice of law involving representation of clients drawn from the public; 3) whether or not such member is a partner, shareholder, or member in a domestic professional organization as defined by the rule governing Limited Liability Professional Organizations, and 4) whether or not the active member is exempt from the provisions of this rule because he or she is engaged in the practice of law as a full-time government attorney or in-house counsel and does not represent clients outside that capacity.

The foregoing shall be certified by each active member of this Association annually through the Court's on-line system administered by the Attorney Services Division. Such certifications shall be made available to the public by any means designated by the Supreme Court. Failure to comply with this rule shall result in suspension from the active practice of law until such certification is received. An untruthful certification shall subject the member to appropriate disciplinary action. All members shall ~~notify the Administrator of Attorney Services Division in writing~~ update the information within their on-line attorney services account within 30 days if 1) professional liability insurance providing coverage to the member has lapsed or is not in effect, or 2) the member acquires professional liability coverage as defined by this rule.

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**MANDATORY REPORTING OF WHETHER ATTORNEY POSSESSES PROFESSIONAL LIABILITY INSURANCE COVERAGE**

I am engaged in the private practice of law involving representation of clients drawn from the public:  
 Yes\_\_\_\_ No\_\_\_\_

I am currently covered by a professional liability insurance policy other than an extended reporting endorsement:  
 Yes\_\_\_\_ No\_\_\_\_

I am currently a member of a professional corporation, limited liability company, or a limited liability partnership and maintain the insurance coverage required by the rule governing Limited Liability Professional Organizations:  
 Yes\_\_\_\_ No\_\_\_\_

I am engaged in the practice of law as a full-time government attorney or in-house counsel and do not represent clients outside that capacity, and therefore, I am exempt from the provisions of this reporting rule.  
 Yes\_\_\_\_ No\_\_\_\_

By checking this box, you certify to the Supreme Court that your answers to the foregoing are true and correct and you acknowledge the requirement that you will you will ~~notify the Administrator of Attorney Services Division in writing~~ update this information within 30 days if 1) professional liability insurance providing coverage to the member has lapsed or is not in effect, or 2) you acquire professional liability coverage as defined by this rule.

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(D) Mandatory Membership Assessments.

(1) Payment of Assessments. . . .

<b>Membership Class</b>	<b>§ 3-100(B) (Adm.)</b>	<b>§ 3-301(E) (Discipline)</b>	<b>§ 3-1010(B) (UPL)</b>	<b>Total</b>
Regular Active*	\$25.00	\$60.00	\$13.00	\$98.00
Junior Active**	\$25.00	\$60.00	\$13.00	\$98.00
Senior Active***	\$25.00	\$60.00	\$13.00	\$98.00
Judicial Active	\$25.00	\$60.00	\$13.00	\$98.00
Military Active****	0	0	0	0
Regular Inactive	\$12.50	\$30.00	\$6.50	\$49.00
Emeritus Inactive	0	0	0	0

\* (Members who have been admitted to the Bar of any State or other jurisdiction for more than 4 calendar years following the calendar year of admission.)

\*\* (Members who have been admitted to the Bar of any State or other jurisdiction for 4 or fewer calendar years following the calendar year of admission.)

\*\*\* (Members 75 years of age or older during the assessments year being billed.)

\*\*\*\* ~~(A member actively engaged in the Armed Forces of the United States~~ Attorneys who are on continuous Active Military Service under title 10 or title 32 of the U.S. Code or State Active Duty under the jurisdiction of any state or territory of the United States at the beginning of any calendar year shall be exempt from payment of assessments for such year upon submitting to the Administrator of Attorney Services Division, prior to the date of delinquency provided for in this Article, satisfactory proof that he or she is so engaged; upon receipt of such proof, the Administrator of Attorney Services Division shall issue proof of membership status to the member under the classification held by the member prior to his or her induction in the service and shall cause the records of this Association to show that such proof was issued without payment of dues.)

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**Article 9: Trust Fund Requirements for Lawyers.**

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**§ 3-905. Trust account ~~affidavit~~ certification rules.**

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(C) Each lawyer admitted to practice on active status (defined as Regular Active, Junior Active, Senior Active, and Military Active) with an office in the State of Nebraska shall submit to the Court a certification through the Court's on-line system reflecting the existence of the trust account required under § 3-902 or, in the alternative, that he or she does not now have and does not reasonably expect to have funds of clients come into his or her hands within the next 12 months in the State of Nebraska. Such certification shall be submitted through the Court's on-line system on an annual basis at the time of annual license renewal. Members of the Nebraska judiciary need not complete the certification. Those lawyers maintaining trust accounts shall also provide on their certification the name and address of the financial institution where the account is maintained, the account number, and the name and address of all persons authorized to sign checks or make withdrawals on the account. If an existing trust account is closed or a new account opened, an updated certification shall be submitted in the manner directed by the court by any such attorney within 30 days providing the reason for closing of an account, as well as the specified information on any new account.

(D) Any lawyer who ~~has filed an affidavit~~ certified that he or she does not reasonably expect to have funds of clients come into his or her hands within the next 12 months within the State of Nebraska but who does receive clients' funds shall forthwith establish a trust account for the deposit and maintenance of such funds.

~~(E) Until otherwise directed by the Supreme Court, the affidavits certifications and any other information required by § 3-905 shall be collected and maintained by the Bar Association on behalf of the Nebraska Supreme Court.~~

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