

On October 1, 2025, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. § 3-100 et seq. (Attorney Licensure), with a delayed effective date of November 1, 2025:

CHAPTER 3: ATTORNEYS AND THE PRACTICE OF LAW

Article 1: Admission Rules for the Practice of Law.

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§ 3-100. Supreme Court jurisdiction.

(A) The Supreme Court exercises jurisdiction over all matters involving the licensing of persons to practice law in the State of Nebraska. Accordingly, the Supreme Court has adopted the following rules governing admission to the practice of law.

(B) Every attorney admitted to practice in the State of Nebraska shall pay a bar admissions assessment for each calendar year from January 1 to December 31, payable in advance and subject to a late fee if paid after January ~~20~~ 31 of each year, in such amount as may be fixed by the Court. Such assessment shall be used to defray the costs of bar admissions, administration, and enforcement as established by these rules. The annual assessment shall be paid to the Attorney Services Division of the Nebraska Supreme Court through the Court's online system. Different classifications of bar admissions assessments may be established for Active Jr., Active Sr., Active, Inactive, Military, and Emeritus members as those membership classes are defined in Neb. Ct. R. § 3-803. Members newly admitted to the practice of law in the State of Nebraska shall not pay a bar admissions assessment for the remainder of the calendar year in which they are admitted.

(C) Members who fail to pay the bar admissions assessment shall be subject to suspension from the practice of law as provided in Neb. Ct. R. § 3-803(E).

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Article 3: Discipline Procedures for Lawyers.

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§ 3-301. Jurisdiction.

(A) Every attorney admitted to practice in the State of Nebraska, or required to register pursuant to Neb. Ct. R. §§ 3-1201 to 3-1204, is subject to the exclusive disciplinary jurisdiction of the Court.

(B) Nothing herein contained shall be construed to deny to any other court such powers as are necessary for that court to maintain control over proceedings conducted before it, such as the power of contempt.

(C) Time limitations for the Committees on Inquiry and Disciplinary Review Board as set forth herein are directory and not jurisdictional. Failure to observe prescribed time intervals may result in sanctions against the violator but does not justify abatement of any discipline or disability investigation or proceeding.

(D) Incumbent judges shall not be subject to the jurisdiction of the Counsel for Discipline.

(E) Every attorney admitted to practice in the State of Nebraska shall pay a disciplinary assessment for each calendar year from January 1 to December 31, payable in advance and subject to a late fee if paid after January ~~20~~ 31 of each year, in such amount as may be fixed by the Court. For 2014, the disciplinary assessment shall be paid to the Treasurer of the Association and shall be used to defray the costs of disciplinary administration and enforcement as established by these rules. For subsequent years, such assessments shall be paid through the Court's on-line system. Different classifications of disciplinary assessments may be established for Active Jr., Active Sr., Active, Inactive, Military, and Emeritus members as those membership classes are defined in Neb. Ct. R. § 3-803. Members newly admitted to the practice of law in the State of Nebraska shall not pay a disciplinary assessment for the remainder of the calendar year in which they are admitted.

(F) Members who fail to pay the disciplinary assessment shall be subject to suspension from the practice of law as provided in Neb. Ct. R. § 3-803(E).

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Article 4: Mandatory Continuing Legal Education for Lawyers.

Section 1: Mandatory Continuing Legal Education for Lawyers Rules

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§ 3-401.10. Report by attorneys to Director.

(A) On or before October 1 of each annual reporting period, the Director shall provide e-mail notification to all active attorneys to review their on-line accounts and make sure all education is reported in order to facilitate the timely filing of annual reports beginning December 1.

(B) On or before January ~~20~~ 31 following the end of the annual reporting period, each attorney admitted to the active practice of law in this state shall make a report to the Director, through the use of the on-line MCLE system, evidencing completion of accredited or approved CLE, including professional responsibility education, during the preceding reporting period.

(C) Once an annual report is submitted through the on-line system, the CLE record for the attorney becomes final and cannot be modified. In the event an attorney chooses to rescind an annual report and refile for the year, the request to do so must be received by the MCLE Commission no later than January 31 following the end of the reporting period. A request to rescind and refile a report can only be processed upon the payment of a \$25 fee to the MCLE Commission.

(D) All attorneys who file the report after ~~January 20 following the end of the annual reporting period shall pay a penalty of \$25. A penalty of \$50 shall be assessed on reports received on or after February 1, January 31 and shall be assessed~~ a penalty of ~~\$75~~125 ~~shall be assessed on reports received on or after March 1.~~ All penalties shall be paid through the on-line system.

(E) An attorney who fails to file an annual report shall not be allowed to transfer to inactive status pursuant to Neb. Ct. R. § 3-803(B) until a compliant report is filed.

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

(A) Any attorney who fails to comply with the provisions of this rule may have his or her right to practice law suspended by the Nebraska Supreme Court, ~~provided that at least forty five (45) days prior to such suspension, t~~The Director shall provide notice of noncompliance to the attorney by e-mail and regular U.S mail addressed to the attorney at his or her last known address. The attorney shall be given forty five (45) days to file with the Director such information, documents, sums, and penalties which, if accepted, would cure the delinquency by March 1.

(B) If compliance does not occur ~~within forty five (45) days by March 1~~ as stated in § 3-401.11(A), a statement of noncompliance shall be filed by the Director with the commission and a recommendation of suspension from the practice of law for failure to comply with these rules shall be made to the Nebraska Supreme Court. ~~The commission shall enter an order to show cause why the attorney should not be suspended from the practice of law for failure to comply with these rules. A hearing may be requested by the attorney as set forth in § 3-402.3.~~

~~(C) If the commission finds that cause was not shown a recommendation of suspension from the practice of law for failure to comply with these rules shall be made to the Nebraska Supreme Court by submission of the same to the Office of the Clerk of the Nebraska Supreme Court.~~

~~(D)~~ (C) Following receipt of the recommendation of the Director, tThe 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 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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Section 2: Nebraska Supreme Court Continuing Legal Education Commission Rules

§ 3-402.1. Authority of commission.

The commission shall have the authority to:

(A) Grant and hold hearings, upon request, regarding the issues set forth in §§ 3-402.2 and ~~3-402.3~~.

(B) Propose amendments to this article, § 3-401.1 et seq.

~~(C) Issue orders to show cause relating to attorney noncompliance under § 3-401.11.~~

~~(D)~~ C) Determine issues of noncompliance and recommend suspension from the practice of law to the Nebraska Supreme Court.

~~(E)~~ D) In addition to the authority granted above, the commission shall perform any other duties as directed by the Nebraska Supreme Court.

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~~§ 3-402.3. Hearings before commission pursuant to § 3-401.11(B).~~

~~(A) When the commission has issued an order to show cause pursuant to § 3-401.11(B) based on a finding by the Director of noncompliance with these rules an attorney may request and shall be entitled to a hearing before the commission.~~

~~(B) Upon request for such hearing, the commission shall serve notice of the time and place of the hearing on the parties by certified mail, return receipt requested, at the last known address of the party requesting such hearing.~~

~~(C) The hearing shall be held upon not less than twenty (20) days' notice nor later than thirty (30) days after the request for hearing.~~

~~(D) The parties shall be permitted to be represented by counsel, shall be permitted to examine and cross-examine witnesses, and may file with the commission any statement, answer, affidavit, document, exhibit, or any such other evidence as may be relevant to the issue of noncompliance.~~

~~(E) The commission shall have the right to receive any type of evidence it deems relevant and material. The hearing need not be conducted in accordance with the Nebraska Evidence Rules.~~

~~(F) At the conclusion of the hearing, the commission shall make written findings of fact and conclusions of law and a determination of whether or not cause has been shown. A copy of the findings, conclusions, and order shall be sent to all parties to the hearing.~~

~~(G) A minimum of four appointed commission members and the Nebraska Supreme Court Justice commission member must be present at any hearing.~~

~~(H) If the commission determines that cause was not shown, a recommendation of suspension from the practice of law for failure to comply with these rules shall be made to the Nebraska Supreme Court.~~

~~(I) A majority vote of the commission members in attendance at the hearing is required in order to grant or deny relief. The Nebraska Supreme Court Justice commission member shall vote only in the event of a tie.~~

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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.

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On or before January ~~20~~ 31 of each year, each active member shall certify to the Nebraska Supreme Court, through the on-line system administered by the Attorney Services Division: 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 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.

All certifications not received by ~~April 1~~ January 31 of the current calendar year shall be considered delinquent. The Director of the Attorney Services Division shall send written notice, by U.S. mail and email, to each member then delinquent in the reporting of professional liability insurance status, which notice shall be addressed to such member at his or her last reported address, and shall notify such member of such delinquency. All members who shall fail to provide the certification ~~within 30 days thereafter~~ by March 1 shall be reported to the Supreme Court by the Director of the 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 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.

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(D) Mandatory Membership Assessments.

(1) Payment of Assessments. Each member shall pay mandatory membership assessments for each calendar year from January 1 to December 31 following, payable in advance on or before January ~~20~~ 31 of each year, in such amounts as may be fixed by the Supreme Court pursuant to Neb. Ct. R. §§ 3-100(B), 3-301(E), and 3-1010(B). All such assessments shall be used for the administration and enforcement of the regulation of the practice of law by the Court. All payments shall be made through the Attorney Services Division on-line system. Different classifications of assessments may be established for Active, Inactive, and Law Student members and for those members who have been admitted to the Bar of any State or other jurisdiction for a period of less than 5 years and for those members who are serving in the Armed Forces of the United States, while so serving. Members newly admitted to this Association shall receive a complimentary membership for the remainder of the current calendar year. The annual mandatory membership assessments beginning calendar year 2014 shall be as follows:

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(2) A late fee of \$125 shall be assessed each Active or Inactive member whose mandatory assessments are received after ~~January 20~~, ~~a late fee of \$50 shall be assessed on mandatory assessments received on or after February 1, January 31 and thus delinquent and a late fee of \$75 shall be assessed on mandatory assessments received on or after March 1.~~

(3) Funds collected by mandatory assessments pursuant to Neb. Ct. R. §§ 3-100(B) and 3-1010(B) shall be used by the Nebraska Supreme Court's Attorney Services Division and Counsel on Unauthorized Practice of Law for regulatory management and oversight as required by the Court under its constitutional and inherent authority.

(E) Delinquency and Reinstatement.

(1) All mandatory membership assessments not paid by ~~April 1~~ January 31 of the current calendar year shall be considered delinquent; and the Director of the Attorney Services Division shall send written notice, by 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 inactive members who shall fail to pay delinquent assessments by March 1 shall be deemed to have either resigned their membership in the Bar Association under subsection (H) of this section, or if otherwise qualified under subsection (B)(3) of this section, be deemed to have elected Emeritus membership status. In either instance, after March 1, the Director of Attorney Services may change the status of the inactive member without the inactive member filing any form with the Attorney Services Division. All active members who shall fail to pay delinquent assessments ~~within 30 days thereafter~~ by March 1 shall be reported to the Supreme Court by the Director of the Attorney Services Division, ~~and the~~ 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,~~ enter such an order as it may deem appropriate. If an order of suspension of an active member shall be entered, such party shall not practice law until restored to good standing.

(2) Whenever an active member suspended for nonpayment of mandatory membership assessments submits an application with the Attorney Services Division 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 Director of the Attorney Services Division shall submit the completed application with the Court after gathering the necessary reinstatement information. The Director 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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(I) Reinstatement Following Resignation. Whenever a former member of this Association who resigned is readmitted to the practice of law in Nebraska by the

Supreme Court ~~pursuant to the process set forth in § 3-119(E)~~, the member shall not pay mandatory membership assessments for the year in which he or she is readmitted, as the reinstatement application fee includes the mandatory assessment for the year of reinstatement. 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.

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Article 10: Unauthorized Practice of Law.

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§ 3-1010. Jurisdiction.

(A) Except as otherwise provided by § 3-1012(B), the Supreme Court, in the exercise of its inherent jurisdiction to define the practice of law and to prohibit the unauthorized practice of law within the State of Nebraska, adopts the following procedures, which shall govern proceedings under these rules concerning the unauthorized practice of law (UPL).

(B) Every attorney admitted to practice in the State of Nebraska shall pay a UPL assessment for each calendar year from January 1 to December 31, payable in advance and subject to a late fee if paid after ~~January 20~~ January 31 of each year, in such amount as may be fixed by the Court. Such assessment shall be used to defray the costs of the administration and enforcement of the unauthorized practice of law as established by these rules, and shall be paid through the Court's on-line system as a part of the annual licensure process. Different classifications of UPL assessments may be established for Active Jr., Active Sr., Active, Inactive, Military, and Emeritus members as those membership classes are defined in Neb. Ct. R. § 3-803. Members newly admitted to the practice of law in the State of Nebraska shall not pay a UPL assessment for the remainder of the calendar year in which they are admitted.

(C) Members who fail to pay the UPL assessment shall be subject to suspension from the practice of law as provided in Neb. Ct. R. § 3-803(E).

(D) The Supreme Court's proposed biennium budget for the UPL Commission shall be provided to the Commission, at least 60 days prior to the Supreme Court's submission of the Court's biennium budget as required by law, for its review and recommendations to the Supreme Court.

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