

REVISED NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering proposed amendments to the Admission Rules for the Practice of Law found at Neb. Ct. R. §§ 3-101, 3-114, 3-117, 3-118, and 3-119. The Nebraska Supreme Court directed that the proposed amendments be published for a period of public comment.

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 joshua.shasserre@nejudicial.gov, with the rule number listed in the subject line no later than January 2, 2026. (*The comment period has been extended to February 2, 2026.*)

The full text of the proposed amendment is 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

Article 1: Admission Rules for the Practice of Law.

§ 3-101. Definitions.

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(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. The use of “UBE” throughout these rules is synonymous with the term “Legacy UBE.”

(N) **NextGen UBE**. “NextGen UBE” means the Next Generation Uniform Bar Examination provided by the National Conference of Bar Examiners.

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

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

~~(P)~~ (Q) **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.

~~(Q)~~ (R) **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:

. . . .

~~(R)~~ (S) **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.

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

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

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(D) **Refund policy.** 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 or the NextGen UBE technology fee will be refunded.

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§ 3-117. Examination.

(A) **Examination.** ~~Examination applicants are required to pass the MPRE. Until the July 2027 administration of the NextGen UBE, examination applicants and~~ are required to pass by a combined score the MEE, MPT, and MBE. The MEE, MPT, and MBE must be taken at a single administration of the UBE. Beginning with the July 2027 administration of the NextGen UBE, examination applicants are required to pass the NextGen UBE. In addition, examination applicants are required to pass the MPRE.

(B) **MPRE.** ~~The MPRE passing score will be is established from time to time by the Court. The passing score for the MPRE is 85.~~ The MPRE may be taken at any location approved for administration by NCBE. A passing MPRE score must be obtained prior to the Commission approving a candidate for admission.

(C) **UBE.** The UBE will be administered on consecutive days twice each year at times and places to be set by the Commission, consistent with the dates established by the NCBE. The first day of the examination will be devoted to the MEE and MPT prepared by the NCBE, and the second day will be devoted to the MBE prepared by the NCBE. The MBE is generally administered over a 6-hour interval, and the MEE and MPT are each administered over a 3-hour interval. The passing score for the UBE is established by the Court. The passing score for the UBE is 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.

(D) **NextGen UBE.** The NextGen UBE will be administered on consecutive days twice each year at times and places to be set by the Commission, consistent with the dates established by the NCBE. The NextGen UBE is composed of three sections of 3-hour intervals administered over 1½ days. Each NextGen examination section contains a combination of multiple-choice questions, integrated question sets, and performance tasks. Official NextGen UBE scores are reported as a single number on a scale from 500 to 750. The passing score for the NextGen UBE is established by the Court. The passing score for the NextGen UBE is a score of 620 on a single administration of the NextGen UBE.

~~(D)~~ (E) **Conduct of examinations.** Bar examinations shall be administered under the supervision of the Commission. The director may appoint such proctors as are necessary to assist in conducting the examinations.

~~(E)~~ (F) Mode of examination.

(1) *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.* Applicants shall not bring into the test site or use any unauthorized material or devices to assist them in answering questions. 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.* 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.* If an applicant violates or attempts to violate § 3-117~~(E)~~(F)(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.* At the beginning of each UBE 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 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 UBE 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) 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 examination applicant possesses all of the requirements of eligibility for admission to the bar and that he or she has successfully passed the UBE or NextGen UBE and MPRE, the Commission shall recommend to the Court that such applicant is eligible for admission.

(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 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) 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.

§ 3-118. Applicant's failure of examination.

(A) Examination inspection by applicant. The director will retain, subject to these rules, the examination papers (excluding any Multistate Bar Examination papers) of all applicants who fail the examination. Within 10 days after the examination results have been announced, any applicant who fails may personally inspect his or her paper in the presence of the director or person designated by the director. Review of materials are subject to examination security procedures established by the NCBE.

(B) Examination appeals. A failing score on the UBE or NextGen UBE is not appealable.

§ 3-119. Application for admission by motion.

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 subsections (A) or (B) of this section, passing scores on the NextGen UBE, UBE, non-UBE qualifying bar examinations, ~~and~~ or the MPRE will not be accepted for admission in Nebraska if more than 5 years have passed after the release of the passing score. For applicants seeking admission under subsection (C) of this section, passing scores on the NextGen UBE, UBE, non-UBE qualifying bar examinations, and the MPRE will be accepted for admission in Nebraska regardless of the date of release of the passing score.

All motion applicants, as defined in § 3-101(D), must meet the minimum requirements set forth in § 3-113 in addition to those listed below.

(A) UBE Motion Applicants. “UBE Motion Applicants” are motion applicants who

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

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

(B) Non-UBE Motion Applicants. “Non-UBE Motion Applicants” are applicants who

(1) have taken an ~~non-UBE~~ examination other than the UBE or NextGen UBE and obtained a score which is at least equivalent to the UBE passing scores established by the Court and set forth in § 3-117~~(F)~~; and

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

(C) Practice Time Motion Applicants. “Practice Time Motion Applicants” are motion applicants who

(1) have taken either a UBE, NextGen 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

(3) have passed the MPRE with the minimum score established by the state or jurisdiction where licensed.

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