

On March 19 and 26, 2003, the Nebraska Supreme Court adopted the following amendments to the Rules Creating, Controlling, and Regulating Nebraska State Bar Association:

**RULES CREATING, CONTROLLING,
AND REGULATING NEBRASKA
STATE BAR ASSOCIATION**

For the advancement of the administration of justice according to the law; for the advancement of the honor and dignity of the legal profession, and encouragement of cordial intercourse among the members thereof; and for the improvement of the service rendered the public by the Bench and Bar, the rules of this Court organizing and forming the NEBRASKA STATE BAR ASSOCIATION are hereby amended and restated, effective November 1, 2003, ~~January 2, 1998~~, to provide as follows:

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Article III

MEMBERSHIP

1. Requirements. All persons who, on the date that these rules go into effect, are admitted to the practice of law in this State, by order of the Nebraska Supreme Court, shall constitute the members of this Association, subject to due compliance with the requirements for membership hereinafter set forth.

2. Classes. Members of this Association shall be divided into four classes, namely: Active members, Inactive members, Law Student members, and Emeritus members.

a. All members who are licensed to engage in the active practice of law in the State of Nebraska, who do not qualify for and apply for Inactive membership status, and who are not Law Student members, shall be Active members.

b. Any member who is not actively engaged in the practice of law in the State of Nebraska, or who is a nonresident of the State of Nebraska and not actively engaged in the practice of law in Nebraska, and who is not an Emeritus member, may, if he or she

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so elects, be placed in Inactive membership status. A member desiring to be placed in Inactive membership status shall file written application therefor with the Secretary and, if otherwise qualified, shall be placed in such inactive status classification. No Inactive members shall practice law in Nebraska, or vote or hold office in this Association. Any Inactive member may, on filing application with the Secretary and upon payment of the required dues, and compliance with such requirements as may be imposed by the Supreme Court to show fitness to engage in the active practice of law in this State, become an Active member.

~~c. Any student regularly enrolled in an approved law school in the State of Nebraska may be admitted to Law Student membership upon presentation of an annual certificate from the dean of the law school that the applicant attends, recommending the student for membership and certifying that the applicant is regularly enrolled as a candidate for a law degree at the law school. A Law Student member shall be entitled to attend all meetings of this Association and to such other privileges as may be granted by the bylaws. A Law Student member shall not be entitled to vote or hold office, but may, at the discretion of the President, be appointed to membership on committees of this Association. A Law Student membership shall terminate upon the graduation or disenrollment of the student from law school. Law Student members may engage in the practice of law to the extent authorized by the rules of the Supreme Court.~~

~~c.d.~~ Any member who attained the age of 75 years of age during the dues year being billed or has been actively engaged in the practice of law in the State of Nebraska for 50 years or more during the dues year being billed may, if he or she so elects, be placed in an Emeritus membership status. . . .

~~d.e.~~ Except for the right reserved by law to litigants to prosecute or defend a cause in person, or as provided elsewhere in these rules, no person other than an Active member of this Association shall engage in the practice of law in this State, or in any manner hold himself or herself out as authorized or qualified to practice law in this State. . . .

e.¶ Nothing in these rules shall be construed to bar any Active member from the practice of law pursuant to the provisions of any rules of the Supreme Court authorizing the practice of law by a professional service corporation or a limited liability organization, subject to the limitations provided by such rules.

f. 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 with each application for renewal thereof, submit the certification required by this rule. For purposes of this rule, professional liability insurance means:

(i) The insurance shall insure the member against liability imposed upon the member arising out of a professional act, error, or omission in the practice of law.

(ii) Such insurance shall insure the member against liability imposed upon the member by law for damages arising out of the professional acts, errors, and omissions of all nonprofessional employees employed by the member.

(iii) The policy may contain reasonable provisions with respect to policy periods, territory, claims, conditions, exclusions, and other matters.

(iv) The policy may provide for a deductible or self-insured retained amount and may provide for the payment of defense or other costs out of the stated limits of the policy.

(v) A professional act, error, or omission is considered to be covered by professional liability insurance for the purpose of this rule if the policy includes such act, error, or omission as a covered activity, regardless of whether claims previously made against the policy have exhausted the aggregate top limit for the applicable time period or whether the individual claimed amount or ultimate liability exceeds either the per claim or aggregate top limit.

Each active member shall certify to this Association on or before January 1 of each year: a) whether or not such member is currently covered by professional liability insurance, other than

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an extended reporting endorsement; b) whether or not such member is engaged in the private practice of law involving representation of clients drawn from the public; c) 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 d) 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 in such form as may be prescribed by this Association and shall be made available to the public by such means as may be designated by the House of Delegates. 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 Secretary in writing within 30 days if a) professional liability insurance providing coverage to the member has lapsed or is not in effect, or b) the member acquires professional liability coverage as defined by this rule.

All certifications not received by April 1 of the current calendar year shall be considered delinquent. The Secretary shall send written notice, by certified mail, 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 shall be reported to the Supreme Court by the Secretary, 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.

This rule shall not affect this Association, its rules, procedures, structure, or operation in any way; nor shall the adoption

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of this rule make this Association, its officers, directors, representatives, or membership liable in any way to any person who has suffered loss by error or omission of a lawyer. This rule is adopted solely for the purposes stated herein and not for the purpose of making this Association, its officers, directors, representatives, or membership insurers or guarantors for clients with respect to the lawyer-client relationship.

This rule does not create a claim against this Association for failure to provide accurate information or a report on the insured status of any lawyer, or for implementation of any provision of these rules.

MANDATORY REPORTING OF 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 rule.

Yes _____ No _____

I hereby certify the truth of the information provided above.

Signature of Attorney

Date

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4. Dues

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Active (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.)	\$240
Junior Active (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.)	\$140
Senior Active (Members 75 years of age or older during the dues year being billed.)	\$ 65
Inactive	\$ 45
Law Student	\$ 0
Military (A member actively engaged in the Armed Forces of the United States at the beginning of any calendar year shall be exempt from payment of dues for such year upon submitting to the Secretary, 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 Secretary shall issue a membership card 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 card was issued without payment of dues.)	\$ 0
Emeritus	\$ 0

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8. Resignation. Any member may resign either active or inactive membership in this Association by tendering his or her written resignation to the Clerk of the Supreme Court of Nebraska on a form to be provided. This form shall include an affidavit to be completed by the member seeking to resign, stating that the member has not been suspended or disbarred in any other state or by any court; that the member has not voluntarily surrendered his or her license to practice law in any other state or to any court in connection with any investigation or disciplinary proceeding against the member; that to the member's knowledge he or she is not then under investigation, nor has a complaint or charges pending against him or her with reference to any alleged violation of professional responsibilities as a lawyer; and that the member agrees to be subject to the jurisdiction of the Supreme Court for a period of 3 years from the date his or her resignation is accepted for the purpose of disciplinary proceedings for any alleged violation of his or her professional responsibilities as a lawyer. During this 3-year period, the acceptance of his or her resignation may be set aside by the Supreme Court upon application filed in the Supreme Court by the Counsel for Discipline or any Committee on Inquiry. . . .

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Article IV

OFFICERS

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8. Term of Office.

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b. At least 90 days prior to this Association's Annual Meeting, the District members of the Executive Council, by a majority vote thereof, shall make nomination for the office of President-Elect of this Association for the ~~following~~ensuing year. . . .

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Article V

HOUSE OF DELEGATES

1. Duties and Powers. The House of Delegates shall be the governing body of this Association; shall exercise overall jurisdiction over the affairs of this Association; shall determine and implement the policies and objectives of this Association; shall, consistent with these rules and the purposes of this Association, prepare, adopt, and amend bylaws for the government and operation of this Association, including the provisions for an annual ~~and semi-annual~~ meetings of this Association; and shall perform such other functions as are provided by these rules and the bylaws.

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Article VI

EXECUTIVE COUNCIL

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4. Nomination and Election. The bylaws shall provide for the nomination of District members by petition of Active members of the district and for the election of District members by secret mail ballot. ~~The Executive Council shall in every case where there shall be less than two qualified nominees by petition for each such office nominate candidates for such office so that there shall be two nominees for such office in each district.~~

5. Term of Office. The term of office of District members shall be ~~4~~6 years, commencing at the close of the Annual Meeting following election, and no District member shall serve consecutive terms. The terms of District members shall be staggered so that there shall be one member elected in each year. Elections shall be held in the following order: Supreme Court Districts 3, 6, 4, 1, 2, and 5. In case of a vacancy in office of any District member, the remaining members of the Executive Council shall have the power to fill such vacancy by appointment to serve until the next regular election.

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6. Voting. Only District members shall vote on nominations for Association office to be made by the Executive Council; the Executive Council shall not nominate any one of its current District members for any elective office in this Association. The District members of the Executive Council shall appoint an Active member to fill any vacancy in the office of Delegate to the House of Delegates of the American Bar Association in the event of a vacancy in such office.

Article VII

COMMITTEES AND SECTION

1. Budget and ~~Planning~~Audit Committee. There shall be a Budget and ~~Planning~~Audit Committee of this Association, consisting of not more than ~~13~~nine members, who shall be appointed and whose terms shall be set in accordance with the bylaws, which committee shall perform the functions assigned to it in Article IX hereof.

2. Other Committees. Other committees of this Association may be created or abolished from time to time and shall have such jurisdiction and be elected or appointed in such manner with such tenure as fixed by the bylaws. Nonmembers, including laypersons, who by reason of their backgrounds or expertise can contribute toward the work of committees may be appointed by committee chairs~~men~~ to serve on committees as nonvoting committee members.

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Article VIII

MEETINGS

1. Annual Meeting. This Association shall have one regular meeting annually at a time and place to be fixed by the Executive Council ~~3 months prior to such meeting. Immediately upon designation of the time and place of such meeting by the Executive Council,~~ Each member of this Association shall be notified

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thereof by the Secretary by mail. ~~If the Council so orders, the proceedings of such meeting may be published in a suitable form by the Secretary and a copy thereof furnished to such members as the Council shall designate.~~

2. House of Delegates. The House of Delegates shall meet ~~during on the day prior to the first day of the Annual Meeting and may shall be recessed from time to time throughout the Annual Meeting and shall hold its final session immediately after the final session of the Annual Meeting of this Association. The President or the Chair of the House may call the Annual Meeting of the House of Delegates so that it may be in session more than 1 day prior to the Annual Meeting.~~ The House of Delegates shall also hold a ~~Mid-Year M~~meeting in April, May, or June of each year at a time and place to be fixed by the House of Delegates ~~at its meeting held on the day prior to the first day of the preceding Annual Meeting of this Association. . . .~~

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Article IX

BUDGET AND AUDIT

1. Budget Preparation and Approval. The Budget and ~~Planning-Audit~~ Committee of this Association, consisting of not more than ~~13~~~~nine~~ members, shall study the income and expenses of this Association and shall prepare and submit to the Executive Council a proposed budget for each fiscal year of this Association. . . .

2. Authorization of Expenditures. After the budget is adopted by the House of Delegates, no expenditures shall be made for this Association except as provided thereby, provided, however, that in case of emergency, the President may authorize additional expenditures not to exceed ~~\$1,000~~~~\$100~~ in any one instance; and provided further, that, in the case of emergency, the Executive Council may, by vote of two-thirds of its members, authorize additional expenditures not exceeding the total sum of ~~\$50,000~~~~\$5,000~~ in any 1 year. No other expenditures shall be

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~~made except on approval by the House of Delegates; provided, however, that any expenditures incurred or costs taxed under any proceedings instituted under the rules of the Supreme Court relating to disciplinary proceedings against lawyers shall not be subject to the provisions of this and the immediately succeeding section of these rules.~~

~~3. Appropriation and Disbursement. After the budget has been adopted, the Executive Council shall from time to time appropriate such funds in the treasury of this Association, for the purposes and in no greater amount than are set forth in the budget subject to the provisions of § 2 above. The Treasurer of this Association shall disburse the funds so appropriated for the purposes and within the amount so appropriated. No disbursements or expenditures shall be made by this Association without such prior appropriation.~~

3.4. Accounting and Auditing. The Executive Council shall cause proper books of account to be kept and shall prepare an annual audit thereof by a certified public accountant. Such audit shall contain a balance sheet and a statement of operations for the fiscal year involved, shall be submitted to the House of Delegates for approval at its next meeting, and shall be distributed to the members of the House of Delegates at least 30 days prior to the date of such meeting.

~~4.5:~~ Circulation of Budget and Audit. The Executive Council, prior to the Annual Meeting of this Association, shall file with the Clerk of the Supreme Court and shall cause to be distributed to the members of this Association a copy of the current annual budget, the proposed budget for the succeeding year, and an annual statement showing a balance sheet and operating statement for the last preceding fiscal year.

5.6: Fiscal Year. The books and records of this Association shall be kept, and the affairs of this Association shall be managed, on a fiscal year basis to be fixed by the bylaws.

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