

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court invites interested persons to comment on proposed amendments to Neb. Ct. R. § 3-106 of the Admission Requirements for the Practice of Law rules, specifically regarding pro hac vice admission. Anyone desiring to comment on the 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, NE 68509-8910, or via e-mail to lanet.asmussen@nebraska.gov no later than February 1, 2011.

The full text of the proposed amendments is 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

ARTICLE 1

ADMISSION REQUIREMENTS FOR THE PRACTICE OF LAW

....

§ 3-106. Admission, pro hac vice, of attorneys of good moral character who are admitted to practice in another state, the District of Columbia, or a territory.

Any attorney of good moral character who is admitted to and engaged in the practice of law in the courts of record of another state, the District of Columbia, or a territory, having professional business in the courts of this state, may on motion to such court, in the discretion of the court, be admitted for the purpose of transacting such business. In order to be admitted, the applicant shall file with the court where the case is pending as soon as possible but no later than the date the applicant files any pleading or appears personally, a motion with the following:

(A) A statement identifying the party or parties being represented.

(B) A list of all jurisdictions where the applicant is licensed to practice law with applicable bar or registration numbers.

(C) An affirmative statement that the applicant is in good standing and eligible to practice law in the aforementioned jurisdictions and is not the subject of a disciplinary action or investigation. If the applicant is the subject of a disciplinary action or investigation, the name and address of the disciplinary authority for the jurisdiction and a brief description of the nature and status of the action or investigation shall be provided.

(D) An affirmative statement that the applicant is subject to the Rules of Professional Conduct, Neb. Ct. R. of Prof. Cond. §§ 3-501.0 to 3-508.5, upon admission pro hac vice.

(E) A statement, including contact information, that the applicant has associated and is appearing with an attorney who is a resident of Nebraska, duly and regularly admitted to practice in the courts of record of this state, and upon whom service may be had in all matters connected with the action with the same force and effect as if personally made on such foreign attorney within this state.

(F) A \$250 nonrefundable fee payable to the Clerk of the Court. The Clerk of Court shall remit the fee to the Nebraska Supreme Court within 10 business days. A court may, in its discretion and upon written motion, waive the fee for applicants who are representing governmental entities or providing pro bono representation of an indigent client.

~~provided that~~ Once the motion is granted, the applicant shall takes the oath required to be taken by individuals regularly practicing before the Nebraska Supreme Court, ~~and, further, upon its being made to appear to the court by a written showing filed therein that the applicant has associated and is appearing with an attorney who is a resident of Nebraska, duly and regularly admitted to practice in the courts of record of this state, and upon whom service may be had in all matters connected with the action with the same force and effect as if personally made on such foreign attorney within this state.~~

....