

LEGISLATIVE BILL 848

Approved by the Governor March 18, 2002

Introduced by Brashear, 4

AN ACT relating to attorneys at law; to amend section 7-102, Reissue Revised Statutes of Nebraska; to change admission and membership requirements for the Nebraska bar; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 7-102, Reissue Revised Statutes of Nebraska, is amended to read:

7-102. (1) Admission to the Nebraska bar shall be governed by admission standards and procedures established by rules adopted by the Supreme Court. Such standards may include, without limitation, educational requirements, character and fitness standards, and satisfactory performance on a bar examination testing the applicant's knowledge of such legal principles as the court may determine. No person shall be admitted to the Nebraska bar, nor permitted to retain such admittance, unless it is shown to the satisfaction of the Supreme Court that such person is of good moral character. The Supreme Court may appoint a bar commission, designated as the Nebraska State Bar Commission, composed of not less than six persons learned in the law to assist in or conduct any bar examination and, by rule of court, to assist the Supreme Court in matters pertaining to bar admission. The Supreme Court shall fix times when examination shall take place, which may be either in term or vacation, and shall prescribe and publish rules to govern such examinations and may appoint a commission composed of not less than three persons learned in the law to assist in or conduct any such examination or examinations. But no person shall be admitted to the bar unless such person is at least twenty-one years of age, and of good moral character, and unless such person either has had a preliminary education, other than legal, equivalent to that involved in the completion of the first three years of a high school course accredited by the state department of public instruction and has regularly and attentively studied law in a reputable law school or in the office of a practicing attorney, or partly in such school and partly in such office, for a period of at least three years, at least one year of which office study shall have been passed in a law office in this state, or shall have been the regular, qualified and acting clerk of the Supreme Court or any district court of this state for at least eight years, and shall pass a satisfactory examination upon the principles of the common law, equity, criminal law, statutes and practice of this state, or is a regular graduate of the College of Law of the University of Nebraska or of such other college of law of this state having entrance requirements and a course of study equal to and equivalent to those of the law school of the University of Nebraska, as the Supreme Court shall, upon application and showing, designate as a college of law whose graduates shall be entitled to admission without examination. Such other college of law shall be a member of the Association of American Law Schools. Provision shall be made, by rule of court, for the registration of students in law offices in this state, at the beginning of their respective terms of study in the office of the Clerk of the Supreme Court or the office of the clerk of the district court in the county in which any such law office is located.

(2) The application for admission to the bar shall include the applicant's social security number. Each applicant shall submit to the bar commission with the application for admission a complete set of his or her legible fingerprints along with written permission authorizing the set of fingerprints to be forwarded to the Identification Division of the Federal Bureau of Investigation, through the Nebraska State Patrol. Upon request by the bar commission, the Nebraska State Patrol shall undertake a search for criminal history record information relating to the applicant, including transmittal of the applicant's fingerprints to the Identification Division of the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the bar commission and to the applicant which includes the criminal history record information concerning the applicant. The fingerprint record check provided for in this subsection shall be solely for the purpose of evaluating and

confirming information provided by the applicant for admission, except that if the applicant appeals a denial of admission to the bar or a refusal of permission to take the bar examination, the filing of such an appeal with the Supreme Court shall constitute a release of the information obtained from such a fingerprint record check for purposes of the appeal.

Sec. 2. Original section 7-102, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.