

GUIDANCE DOCUMENT NO. 7*

REPRESENTATION OF PARTIES BY NONLAWYERS

I. Purpose

This policy clarifies that the Nebraska Power Review Board (NPRB) allows an employee, officer or member of an entity meeting the requirements in Chapter 3, Article 10, § 3-1004(C)(2)(a) to (f) of the Nebraska Supreme Court's rules governing the unauthorized practice of law to represent that entity in administrative proceedings before the NPRB.

II. Policy Definition and Applicability

- A. This policy applies to all nonlawyers who wish to appear in a representative capacity before the NPRB in a matter involving a contested hearing.
- B. "Contested case" shall mean any administrative proceeding before the NPRB in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an agency hearing, whether or not the hearing involves opposing parties.

III. Findings

- A. That the NPRB is an agency of the State of Nebraska authorized to conduct contested administrative hearings on certain matters within its jurisdiction.
- B. That Chapter 3, Article 10, § 3-1004(C) of the Nebraska Supreme Court's rules governing the unauthorized practice of law establishes the conditions that must be met in order for a nonlawyer to appear in a representative capacity before an administrative tribunal or an agency of the State of Nebraska.

* This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

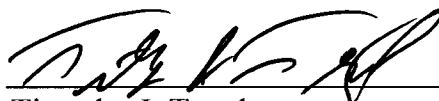
IV. Representation of Parties by Nonlawyers

A. The NPRB permits a nonlawyer employee, member, or officer of an entity or organization to represent that entity or organization. Prior to making an appearance or filing documents in a contested case before the NPRB, a nonlawyer must meet the prerequisites set out in Chapter 3, Article 10, § 3-1004(C)(2) of the Nebraska Supreme Court's rules governing the unauthorized practice of law.

B. A nonlawyer representing a party in a contested case before the NPRB must provide the NPRB with written documentation demonstrating that the entity or organization has authorized the nonlawyer to appear on behalf of the entity or organization in matters before the NPRB.

C. Pursuant to Chapter 3, Article 10, § 3-1004(C)(2)(f) of the Nebraska Supreme Court's rules governing the unauthorized practice of law, when any party requests that the NPRB be bound by the Nebraska Rules of Evidence in a contested case, a nonlawyer is no longer permitted to appear before the NPRB in a representative capacity in that matter.

D. The NPRB does not permit nonlawyers to represent unrelated parties in contested cases before the NPRB. See Nebraska Supreme Court *Rules*, Chapter 3, Article 10, § 3-1004(C)(3)(a).



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Approved as amended at NPRB meeting held October 23, 2009.
Originally approved January 25, 2008.