

**Minutes of the  
Federal Practice Committee Meeting  
Wednesday, October 14, 2009 - 2:00 p.m.  
Chambers of Judge Smith Camp  
Roman L. Hruska U. S. Federal Courthouse, 3<sup>rd</sup> Floor  
Omaha, Nebraska**

**1. CALL TO ORDER**

The Federal Practice Committee for the U.S. District Court for the District of Nebraska convened at 2:00 p.m. on Wednesday, October 14, 2009, in the Chambers of Judge Laurie Smith Camp in Omaha, Nebraska. Committee Chair Roger Kirst called the meeting to order.

**2. INTRODUCTION OF ATTENDEES**

In attendance were David Stickman, Deborah Gilg, Prof. Roger Kirst, Jeanette Stull, Vincent Valentino, Carlos Monzon, John Sharp, Melanie Whittamore-Mantzios, John J. Jolley, Jr., Chief Judge Joseph Bataillon, Judge Laurie Smith Camp, Magistrate Judge F.A. Gosset, Denise Lucks, Therese Bollerup, James Rowoldt, Timothy Connor, Pat Williamson, and Mary Buckley. (Unable to attend were Charles Lowe, Prof. Michael Fenner, Sherman P. Willis, David Pederson, V. Gene Summerlin, Jr., Maren Chaloupka, Judge Richard Kopf, Senior Judge Warren Urbom, Senior Judge Lyle Strom, Magistrate Judge Thomas D. Thalken, Chief Bankruptcy Judge Thomas Saladino, and Bankruptcy Judge Timothy Mahoney.)

**3. APPROVAL OF PREVIOUS COMMITTEE MINUTES**

The minutes of the meeting held May 12, 2009, were approved.

**4. FEDERAL PRACTICE COMMITTEE BUDGET**

Pat Williamson reported on the status of the Federal Practice Fund. ([See attachments 1 and 2](#)). Pat reported that the money in the Federal Practice Fund has been moved to the Omaha Federal Credit Union, which offers better interest.

Pat also reviewed the budget for 2010. Upon Judge Bataillon's advice, the committee decided to increase from \$1,000 to \$2,000 the subsidy for the Eighth Circuit Judicial Conference. The committee recommended approval of the budget, and following the meeting, Chief Judge Bataillon approved the budget.

Professor Kirst acknowledged the work of the Budget Committee (Charlie Lowe, Melanie Whittamore-Mantzios, and John J. Jolley, Jr.) over the past year in expediting the various expenditure requests.

## **5. REPORT FROM THE FEDERAL PRACTICE CHAIR**

Professor Kirst reported on the court's Strategic Planning meeting held in July, outlining the three goals the judges voted to pursue (Stewardship of Court Resources; Improving Juror Services, Timely Disposition of Cases). He also noted that the Eighth Circuit Judicial Conference will be held August 8-11 next year in Minneapolis. Professor Mike Fenner will serve on the planning committee.

## **6. REMARKS FROM U.S. ATTORNEY**

Deb Gilg, the district's new United States Attorney, introduced herself to the committee members. She announced that her formal swearing in will take place on November 6 at 3:00 in the Special Proceedings Courtroom.

## **7. REPORT FROM THE CLERK OF COURT**

Clerk Denise Lucks reported on the following:

- The state of the docket ([see attachment](#)) and the Judicial Caseload for the 12-month period ending June 30, 2009 ([see attachment](#)).
- The court's Attorney Best Practices Forums held in September in North Platte, Lincoln, and Omaha.
- The status of the courtroom technology projects in the various courtrooms.
- The new version of CM/ECF, scheduled to go live on November 2.
- Senior Judge Urbom's decision to upload all audio hearings to CM/ECF as part of the digital audio pilot project.
- The upcoming pilot of the Jury Evidence Reporting System in Judge Kopf's courtroom.

Carlos Monzon asked if the clerk's office could provide additional information about jurors on the stickers given to the judge and the parties at the start of voir dire. At a minimum, the stickers should show the juror's employer and marital status and indicate if the juror has any law enforcement affiliation. Denise agreed to contact the federal court in Dallas where this information is apparently routinely placed on jury stickers.

## **8. AMENDMENTS TO THE LOCAL RULES**

Mary Buckley reviewed the [major amendments to the local rules](#). She explained that starting December 1, the federal rules will do away with the current method of computing time and instead adopt "a day is a day" approach, using multiples of 7. She noted that in a few instances, the local rules retain deadlines of less than seven days. She also noted

that the federal rules did away with appeals of magistrate judge orders; instead, parties may object to the orders. In addition, a magistrate judge's "report and recommendation" is now a "findings and recommendation." NECivR 72.2 and NECrimR 59.2 have been modified to reflect the change in federal rules' language. During its October 30 meeting, the Judicial Council will decide whether the amendments to the local rules will become effective on October 30, 2009, or December 1, 2009.

## **9. REPORT FROM CHIEF JUDGE BATAILLON**

Judge Bataillon announced that a retirement party for Magistrate Judge Piester will be held October 30 in Lincoln. A selection committee is currently interviewing applicants for Judge Piester's position and will send the judges the names of the five best qualified candidates. The new magistrate judge should be on board after the beginning of the year.

Judge Bataillon noted that a panel is reviewing the applications submitted for the opening created by Jim Rowoldt's retirement in March.

Judge Bataillon reviewed the status of the judgeship bills pending in Congress. He observed that unless one of the bills passes soon, the district could become ineligible for a new judgeship due to declining case numbers.

Judge Bataillon also briefly discussed the three strategic goals the judges adopted at the Strategic Planning meeting in July.

## **10. FOR THE GOOD OF THE ORDER**

- David Stickman reported that a Courtroom Technology Seminar will be held on November 18 in Lincoln. Light refreshments for the seminar will be provided through the courtesy of the Federal Practice Committee and the Federal Practice Fund.
- Deb Gilg stated that new priorities are slow in coming from the Department of Justice because the appointment of new U.S. Attorneys is taking so long. She said that healthcare fraud and Indian country issues are likely priorities for Attorney General Holder.
- The committee discussed whether to become involved in offering continuing legal education (CLE) now that Nebraska has mandatory CLE. The committee agreed to defer any decision for the time being.

## **11. ADJOURNMENT**

The next meeting of the committee will be scheduled for the spring.

**U.S. DISTRICT COURT - DISTRICT OF NEBRASKA  
FEDERAL PRACTICE FUND - SUMMARY  
AS OF SEPTEMBER 30, 2009**

Balance carryforward 12/31/08

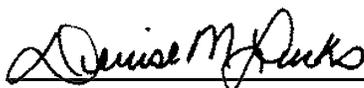
\$147,945.07

CHECKING AND REGULAR SAVINGS ACCOUNTS						
MONTH	ATTY DEPOSITS	INTEREST	RATE	EXPENDITURES	TRANSFERS	BALANCE
JANUARY	\$ 2,380.00	\$ 1.25	0.01%	\$ 1,497.65		\$ 148,828.67
FEBRUARY	\$ 12,500.00	\$ -	0.00%	\$ 692.50		\$ 160,636.17
MARCH	\$ 9,300.00	\$ -	0.00%	\$ 240.86		\$ 169,695.31
APRIL	\$ -	\$ 31.84	0.02%	\$ 1,000.00		\$ 168,727.15
MAY	\$ 1,940.00	\$ 7.09	0.04%	\$ 3,278.76		\$ 167,395.48
JUNE	\$ -	\$ 6.77	0.04%	\$ 3,085.07		\$ 164,317.18
JULY	\$ -	\$ 6.95	0.04%	\$ -		\$ 164,324.13
AUGUST	\$ 450.00	\$ 18.70	0.75%	\$ 575.52	\$ (100,000.00)	\$ 64,217.31
SEPTEMBER	\$ -	\$ 39.53	0.75%	\$ 166.66		\$ 64,090.18
OCTOBER	\$ -	\$ -		\$ -		\$ 64,090.18
NOVEMBER	\$ -	\$ -		\$ -		\$ 64,090.18
DECEMBER	\$ -	\$ -		\$ -		\$ 64,090.18
<b>TOTALS</b>	<b>\$ 26,570.00</b>	<b>\$ 112.13</b>		<b>\$ 10,537.02</b>	<b>\$ (100,000.00)</b>	<b>\$ 64,090.18</b>

CERTIFICATE OF DEPOSIT ACCOUNT					OFCU COMBINED	
MONTH	DEPOSIT	INTEREST	RATE	BALANCE	FUND BALANCE	
JANUARY	\$ -	\$ -		\$ -	\$	148,828.67
FEBRUARY	\$ -	\$ -		\$ -	\$	160,636.17
MARCH	\$ -	\$ -		\$ -	\$	169,695.31
APRIL	\$ -	\$ -		\$ -	\$	168,727.15
MAY	\$ -	\$ -		\$ -	\$	167,395.48
JUNE	\$ -	\$ -		\$ -	\$	164,317.18
JULY	\$ -	\$ -		\$ -	\$	164,324.13
AUGUST	\$ 100,000.00	\$ -		\$ 100,000.00	\$	164,217.31
SEPTEMBER	\$ -	\$ 191.10	2.25%	\$ 100,191.10	\$	164,281.28
OCTOBER	\$ -	\$ -				
NOVEMBER	\$ -	\$ -				
DECEMBER	\$ -	\$ -				
<b>TOTALS</b>	<b>\$ 100,000.00</b>	<b>\$ 191.10</b>		<b>\$ 100,191.10</b>	<b>\$</b>	<b>164,281.28</b>

**Footnotes:**

On August 24, 2009 we transferred the Federal Practice Funds from U.S. Bank to the Omaha Federal Credit Union.  
The certificate of deposit is for a term of one year and will mature on 08/26/2010. This certificate is invested at a 2.25% rate.

**PREPARED BY:** Terry Brownfield, Budget Analyst**DATE:** 09/21/2009**REVIEWED BY:** Pat A. Williamson, Administrative Supervisor**DATE:** 09/25/2009**CERTIFIED BY:**

**DATE:** 10/7/2009

**U.S. DISTRICT COURT - DISTRICT OF NEBRASKA  
FEDERAL PRACTICE FUND - CASH ACCOUNTS LEDGER  
AS OF SEPTEMBER 30, 2009**

	PAYEE / PAYOR	DESCRIPTION OF TRANSACTION	CASE RELATED	APPROVAL DATE	FPF NUMBER	CHECK NUMBER	CK/DEPOSIT CLEAR DATE	FPF EXPENSES	ATTY ASSESS INCOME	INTEREST INCOME	FUND BALANCE	VERIFIED BY
1		<b>Balance Forward / Date-Ended 12/31/08</b>									\$ 147,945.07	
2	Latimer Reporting	Preparation of pretrial transcript 4:06CV3017	x	12/12/08	2008-26	1292	01/13/09	\$ 1,497.65			\$ 146,447.42	
3	U.S. Bank	Attorney assessment fee deposit - Nov-Jan					01/22/09	\$ -	\$ 2,380.00		\$ 148,827.42	
4	U.S. Bank	January interest					01/30/09	\$ -		\$ 1.25	\$ 148,828.67	TDB 02/17/09
5	World Marketing	Mailing / Postage expenses for biennial attorney assessment mailing to non-registered attorneys.		12/04/08	2009-01	1293	02/06/09	\$ 692.50			\$ 148,136.17	
6	U.S. Bank	Attorney assessment fee deposit - February					02/12/09	\$ -	\$ 12,500.00		\$ 160,636.17	
7	U.S. Bank	February interest					02/28/09	\$ -		\$ -	\$ 160,636.17	TDB 03/09/09
8	U.S. Bank	Attorney assessment fee deposit - March					03/05/09	\$ -	\$ 9,300.00		\$ 169,936.17	
9	Pat Williamson	Light refreshments for use at the March 11 program on "Effectively using technology in the courtroom"		02/27/09	2009-04	1296	03/24/09	\$ 204.00			\$ 169,732.17	
10	Theresa Hiner	Light refreshments for use at the March 11 program on "Effectively using technology in the courtroom"		02/27/09	2009-05	1297	03/26/09	\$ 36.86			\$ 169,695.31	
11	U.S. Bank	March interest					03/31/09	\$ -		\$ -	\$ 169,695.31	TDB 04/15/09
12	Mathew Knoblauch	Closing fee on 4:05CV-3254	x	03/03/09	2009-02	1294	04/09/09	\$ 1,000.00			\$ 168,695.31	
13	U.S. Bank	April interest plus prior months adjustments					04/30/09	\$ -		\$ 31.84	\$ 168,727.15	TDB 05/11/09
14	U.S. Bank	Attorney assessment fee deposit - May					05/07/09	\$ -	\$ 1,940.00		\$ 170,667.15	
15	Historical Society of U.S. Courts - NE Branch	Contribution towards Chief Standing Bear Commemoration		03/12/09	2009-03	1295	05/08/09	\$ 3,000.00			\$ 167,667.15	
16	Denise Lucks	Light refreshments for the Chief Standing Bear Commemoration		03/12/09	2009-06	1298	05/26/09	\$ 48.15			\$ 167,619.00	
17	Judge Smith Camp	Light refreshments for Federal Practice Committee meeting		05/19/09	2009-08	1300	05/26/09	\$ 230.61			\$ 167,388.39	
18	U.S. Bank	May interest					05/31/09	\$ -		\$ 7.09	\$ 167,395.48	TDB 06/22/09
19	Susie Cordero	Display costs and light refreshments for Chief Standing Bear Project		05/21/09	2009-07	1299	06/01/09	\$ 269.57			\$ 167,125.91	
20	Hamilton Color Lab	Display for Chief Standing Bear Project		06/11/09	2009-09	1302	06/17/09	\$ 2,500.50			\$ 164,625.41	
21	NE State Historical Society	Digital images for Chief Standing Bear Display		06/11/09	2009-10	1303	06/18/09	\$ 315.00			\$ 164,310.41	
22	U.S. Bank	June interest					06/30/09	\$ -		\$ 6.77	\$ 164,317.18	TDB 07/17/09
23	U.S. Bank	July interest					07/31/09	\$ -		\$ 6.95	\$ 164,324.13	TDB 08/10/09
24	The Market Basket	Light refreshments for the Chief Standing Bear Commemoration		03/12/09	2009-11	1304	08/07/09	\$ 507.00			\$ 163,817.13	
25	Quarry Oaks Golf Club	Meals for representatives of the Federal Practice Committee to attend District Strategic Planning Retreat		06/18/09	2009-12	1305	08/13/09	\$ 61.02			\$ 163,756.11	
26	U.S. Bank	Attorney assessment fee deposit - August					08/13/09	\$ -	\$ 450.00		\$ 164,206.11	
27	U.S. Bank	August interest thru 8/19/09					08/19/09	\$ -		\$ 4.04	\$ 164,210.15	
28	U.S. Bank	Funds transferred from U.S. Bank - Accts Closed			2009-13	1306	08/19/09	\$ 164,210.15			\$ 0.00	
29	Omaha Fed Credit Union	Funds transferred to Omaha Federal Credit Union					08/24/09	\$ (164,210.15)			\$ 164,210.15	
30	Omaha Fed Credit Union	Debit Card Fee					08/25/09	\$ 7.50			\$ 164,202.65	
31	Omaha Fed Credit Union	August interest					08/31/09	\$ -		\$ 14.66	\$ 164,217.31	TDB 09/21/09
32	Omaha Fed Credit Union	Check order					09/01/09	\$ 64.07			\$ 164,153.24	
33	Luta Pleiss	Refreshments for NP Best Practices Forum			2009-14	1401		\$ 16.36			\$ 164,136.88	
34	Bakers	Refreshments for Omaha Best Practices Forum			DC09-01		09/21/09	\$ 7.98			\$ 164,128.90	
35	Eileen's Cookies	Refreshments for Omaha Best Practices Forum			DC09-02		09/22/09	\$ 78.25			\$ 164,050.65	
36	Omaha Fed Credit Union	September CD interest					09/26/09	\$ -		\$ 191.10	\$ 164,241.75	
37	Omaha Fed Credit Union	September Savings interest					09/30/09	\$ -		\$ 39.53	\$ 164,281.28	TDB 10/07/09
38								\$ -			\$ 164,281.28	
<b>TOTALS</b>								<b>\$ 10,537.02</b>	<b>\$ 26,570.00</b>	<b>\$ 303.23</b>	<b>\$ 164,281.28</b>	

**U.S. DISTRICT COURT - DISTRICT OF NEBRASKA  
FEDERAL PRACTICE FUND - OUTSTANDING AUTHORIZATIONS**

AUTHORIZED PAYEE	DATE	CASE #	DESCRIPTION	STATUS	AMOUNT
1 Pat Merritt	08/24/09	N/A	Light Refreshments for Lincoln September Attorney Best Practices Forums	Check issued - has not yet cleared	\$ 48.97
2 Miscellaneous Court Staff	10/07/09	N/A	Light Refreshments for October Merit Selection Panel Interviews and Meeting.		\$ 75.00
<b>Total</b>					<b>\$ 123.97</b>

**FEDERAL PRACTICE FUND  
U.S. DISTRICT COURT - DISTRICT OF NEBRASKA  
DISCRETIONARY BUDGET REPORT - 2010**

<b>Income:</b>		<b>Projected</b>	<b>Notes</b>
1	<b>Beginning Balance</b>	<b>\$161,017.31</b>	Projected 2009 Ending Balance
<b>Income:</b>			
2	Attorney Assessment Fees	\$ 500.00	Miscellaneous assessments 2010
3	Interest	\$ 2,700.00	Savings and CD - Omaha Federal Credit Union
4	<b>Total Income</b>	<b>\$ 3,200.00</b>	
5	<b>Available Balance</b>	<b>\$ 164,217.31</b>	
<b>Discretionary Expenses:</b>		<b>Projected</b>	<b>Notes</b>
6	Case-Related Expenses	\$ 7,500.00	
7	Prisoner Civil Rights Cases	\$ 5,200.00	
8	Attorney Technology Forum Expenses	\$ 500.00	Light refreshments and attorney training aids
9	8th Circuit Conference Subsidy	\$ 2,000.00	Anticipated subsidy - \$1,000 in 2008 for Judge's-only meeting
10	Travel Expenses to 8th Circuit Conf	\$ 10,000.00	Committee Members / Minneapolis, August 11-13
11	8th Circuit Attorney Fee Admission Fund	\$ 2,000.00	Model Pattern Jury Instruction Contribution
12	CLE Attorney Programs	\$ 1,000.00	
13	Certificate Covers - FP Members	\$ 30.00	
14	Light Refreshments - Meetings	\$ 100.00	Light refreshments for Fed Practice meetings (2 x \$50)
15	<b>Total Expenses</b>	<b>\$ 28,330.00</b>	
16	<b>Ending Balance</b>	<b>\$ 135,887.31</b>	
17	<b>Net Change in Fund</b>	<b>\$ (25,130.00)</b>	Projected Change - 2010

**FEDERAL PRACTICE FUND  
U.S. DISTRICT COURT - DISTRICT OF NEBRASKA  
HISTORICAL INCOME/EXPENDITURES  
2005-2009**

	2005	2006	2007	2008	2009**
1 <b>Beginning Balance</b>	<b>\$171,951.77</b>	<b>\$153,059.94</b>	<b>\$164,684.92</b>	<b>\$184,232.69</b>	<b>\$147,945.07</b>
<b>Income:</b>					
2 Attorney Assessment Fees*	\$ 5,050.00	\$ 15,980.00	\$ 33,105.00	\$ 640.00	\$ 26,570.00
3 Interest	\$ 4,041.20	\$ 7,217.90	\$ 7,808.37	\$ 2,022.26	\$ 72.60
4 Projected add'l Assessments - 2009					\$ 400.00
5 Projected add'l Interest - 2009					\$ 900.00
6 <b>Total Income</b>	<b>\$ 9,091.20</b>	<b>\$ 23,197.90</b>	<b>\$ 40,913.37</b>	<b>\$ 2,662.26</b>	<b>\$ 27,942.60</b>
<b>Expenses:</b>					
7 Attorney Assessment Mailings	\$ 1,208.13	\$ 292.57	\$ 1,251.00	\$ -	\$ 692.50
8 Open Doors / Community Outreach	\$ 2,586.63	\$ -	\$ 1,239.56	\$ -	\$ -
9 Case-Related Expenses	\$ 14,805.41	\$ 3,224.83	\$ 6,090.35	\$ 14,599.48	\$ -
10 Prisoner Civil Rights Cases	\$ 1,640.00	\$ 4,266.24	\$ 11,755.38	\$ 6,033.60	\$ 2,497.65
11 Mediation Expenses	\$ 48.51	\$ 100.00	\$ 194.42	\$ 4,693.50	\$ -
12 8th Circuit Conf Attendee Expenses	\$ 6,807.49	\$ -	\$ -	\$ 9,698.30	\$ -
13 Assistance to Bar, Societies, Training	\$ -	\$ 3,636.11	\$ -	\$ 3,833.83	\$ 240.86
14 Chief Standing Bear Event					\$ 6,640.22
15 Miscellaneous Expenses	\$ 886.86	\$ 53.17	\$ 834.89	\$ 91.17	\$ 299.13
16 Projected additional expenses - 2009					\$ 4,500.00
17 <b>Total Expenses</b>	<b>\$ 27,983.03</b>	<b>\$ 11,572.92</b>	<b>\$ 21,365.60</b>	<b>\$ 38,949.88</b>	<b>\$ 14,870.36</b>
18 <b>Ending Balance</b>	<b>\$ 153,059.94</b>	<b>\$ 164,684.92</b>	<b>\$ 184,232.69</b>	<b>\$ 147,945.07</b>	<b>\$ 161,017.31</b>
19 <b>Net Change in Fund</b>	<b>\$ (18,891.83)</b>	<b>\$ 11,624.98</b>	<b>\$ 19,547.77</b>	<b>\$ (36,287.62)</b>	<b>\$ 13,072.24</b>

\* Annual attorney assessment renewal fee \$15 (pre-1998); \$5 (1998-2006); \$10 biennially (starting in 2007)

\*\* 2009 financial data through August 31, 2009. (Additional 2009 projected expenses include: prisoner cases - \$2,000; case-related expenses - \$2,000; Miscellaneous - \$500)

# State of the Docket Report US District Court of Nebraska

## For the Month of September 2009

Docket Type	End of Month	6 Month Pending	6 Months to 1 Year	1 to 2 Years	2 to 3 Years	3 Years or More
Civil	610 <sup>1</sup>	279	156	130	28	17
Criminal	587 <sup>2</sup>	253	135	61	25	113
<b>Total</b>	1197	532	291	191	53	130

-----Totals-----

Judge	Total	Civil	Criminal
<a href="#">Joseph Bataillon</a>	340	176	164
<a href="#">Robert Dawson</a>	1	1	0
<a href="#">F. Gossett</a>	27	27	0
<a href="#">Richard Kopf</a>	278	135	143
<a href="#">Laurie Smith Camp</a>	332	150	182
<a href="#">Lyle Strom</a>	155	78	77
<a href="#">Thomas Thalken</a>	17	16	1
<a href="#">Warren Urbom</a>	47	27	20
<b>Total:</b>	1197	610	587

<sup>1</sup> Civil: North Platte - 29; Lincoln - 181; Omaha - 400

<sup>2</sup> Criminal: North Platte - 1; Lincoln - 158; Omaha - 428

## U.S. DISTRICT COURT -- JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING JUNE 30						NUMERICAL STANDING WITHIN U.S. CIRCUIT		
		2009	2008	2007	2006	2005	2004			
<b>OVERALL CASELOAD STATISTICS</b>	Filings*		1,549	1,589	1,754	1,812	1,825	1,949		
	Terminations		1,642	1,699	2,214	1,993	1,903	2,003		
	Pending		1,125	1,119	1,155	1,486	1,515	1,660		
	Percent Change In Total Filings Current Year		Over Last Year. . .	-2.5						65
		Over Earlier Years. . .	-11.7		-14.5	-15.1	-20.5		80	8
Number of Judgeships			3	3	3	3	3	3		
Vacant Judgeship Months**			.0	.0	.0	.0	.0	.0		
<b>ACTIONS PER JUDGESHIP</b>	<b>FILINGS</b>	Total	516	530	585	603	608	649	23	3
		Civil	248	247	312	369	344	350	67	8
		Criminal Felony	191	208	190	178	217	250	6	1
		Supervised Release Hearings	77	75	83	56	47	49	7	1
	Pending Cases		375	373	385	495	505	553	47	3
	Weighted Filings**		518	519	537	590	649	667	26	2
	Terminations		547	566	738	664	634	668	18	2
	Trials Completed		36	33	33	38	41	36	7	3
<b>MEDIAN TIMES (MONTHS)</b>	From Filing to Disposition	Criminal Felony	8.3	7.9	8.7	9.9	8.5	7.9	38	5
		Civil**	8.1	9.7	11.8	9.4	9.5	8.6	35	7
	From Filing to Trial** (Civil Only)		19.0	16.0	22.0	22.7	21.0	18.5	13	2
<b>OTHER</b>	Number (and %) of Civil Cases Over 3 Years Old**		11 1.9	17 3.0	25 3.8	32 3.3	75 8.5	54 5.6	5	2
	Average Number of Felony Defendants Filed per Case		1.2	1.2	1.2	1.2	1.3	1.2		
	Jurors	Avg. Present for Jury Selection	40.90	32.71	33.08	30.04	34.09	36.34		
Percent Not Selected or Challenged		31.5	19.7	17.7	9.5	20.4	24.9			

FOR NATIONAL PROFILE AND NATURE OF SUIT AND OFFENSE CLASSIFICATIONS  
SHOWN BELOW -- OPEN THE FOLD-OUT PAGE AT THE BACK COVER

2009 CIVIL AND CRIMINAL FELONY CASE FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	744	53	19	163	25	16	39	111	60	34	155	1	68
Criminal*	572	12	231	72	113	46	22	46	3	2	4	6	15

\* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.  
\*\* See "Explanation of Selected Terms."

**U.S. DISTRICT COURT -- JUDICIAL CASELOAD PROFILE**

<b>ALL DISTRICT COURTS</b>		<b>12-MONTH PERIOD ENDING JUNE 30</b>						<b>NUMERICAL STANDING WITHIN U.S. CIRCUIT</b>		
		<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>			
<b>OVERALL CASELOAD STATISTICS</b>	Filings*	343,107	337,906	349,242	321,256	360,346	335,764			
	Terminations	340,769	311,523	327,529	342,117	354,151	318,407			
	Pending	359,295	347,096	327,159	305,511	325,641	323,190			
	Percent Change In Total Filings Current Year	Over Last Year. . .	1.5						[-]	[-]
	Over Earlier Years. . .		-1.8	6.8	-4.8	2.2		[-]	[-]	
Number of Judgeships		678	678	678	678	678	679			
Vacant Judgeship Months**		488.1	402.0	417.4	413.0	257.7	342.2			
<b>ACTIONS PER JUDGESHIP</b>	<b>FILINGS</b>	Total	505	498	515	473	532	495	[-]	[-]
		Civil	379	378	401	360	417	380	[-]	[-]
		Criminal Felony	95	89	84	85	88	89	[-]	[-]
		Supervised Release Hearings	31	31	30	28	27	26	-	-
	Pending Cases		530	512	483	451	480	476	[-]	[-]
	Weighted Filings**		471	473	478	467	531	501	[-]	[-]
	Terminations		503	459	483	505	522	469	[-]	[-]
	Trials Completed		20	20	20	18	19	19	[-]	[-]
<b>MEDIAN TIMES (MONTHS)</b>	From Filing to Disposition	Criminal Felony	7.1	7.3	7.7	7.6	7.1	6.8	[-]	[-]
		Civil**	9.0	8.0	8.7	9.4	9.7	8.1	[-]	[-]
	From Filing to Trial** (Civil Only)		25.6	25.6	24.5	23.5	22.9	22.7	[-]	[-]
<b>OTHER</b>	Number (and %) of Civil Cases Over 3 Years Old**		28,074 9.4	22,414 7.8	24,086 9.0	27,419 11.1	38,408 14.4	39,258 14.7	[-]	[-]
	Average Number of Felony Defendants Filed per Case		1.3	1.4	1.4	1.4	1.4	1.4		
	Jurors	Avg. Present for Jury Selection	52.62	47.69	50.21	48.54	47.50	46.71		
Percent Not Selected or Challenged		39.6	37.0	38.0	37.4	36.6	37.7			

**FOR NATIONAL PROFILE AND NATURE OF SUIT AND OFFENSE CLASSIFICATIONS SHOWN BELOW -- OPEN THE FOLD-OUT PAGE AT THE BACK COVER**

<b>2009 CIVIL AND CRIMINAL FELONY CASE FILINGS BY NATURE OF SUIT AND OFFENSE</b>													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	257204	13222	43055	52237	3733	5413	17153	35229	18881	8714	33188	894	25485
Criminal*	64273	4052	10933	24605	7842	6746	2023	2818	700	1259	829	840	1626

\* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.  
 \*\* See "Explanation of Selected Terms."

# Nature of Suit/Offense Codes

## **CIVIL CODES**

- A** Social Security
- B** Personal Injury/Product Liability
- C** Prisoner Petitions
- D** Forfeitures and Penalties and Tax Suits
- E** Real Property
- F** Labor Suits
- G** Contracts
- H** Torts(other than Personal/Injury/Product Liability)
- I** Copyright, Patent, and Trademark
- J** Civil Rights
- K** Antitrust
- L** All Other Civil

## **CRIMINAL FELONY CODES**

- A** Marijuana
- B** All Other Drugs
- C** Immigration
- D** Firearms and Explosives
- E** Fraud
- F** Violent Offenses
- G** Sex Offenses
- H** Forgery and Counterfeiting
- I** Larceny and Theft
- J** Justice System Offenses
- K** Regulatory Offenses
- L** All Other Criminal Felony Cases

**Proposed Amendments to the Local Rules - Summary of Changes  
October 9, 2009**

NOTE: Generally, the General, Civil, and Criminal Rules were edited based on: 1) the time computation project that will result in changes to the federal rules on December 1, 2009; and 2) Nebraska General Rule 1.3(g), which states that unless otherwise stated, pro se parties are bound by the rules. A few rules were renumbered based on the numbering of corresponding federal rules. Minor additional editing changes and the substantive changes noted below were also made.

**General Rules**

1. **Time computation changes** were made as indicated below in the cited rules. Also, the words “calendar” and “business” were deleted, per the time computation project.

5 days changed to 7 days - Rule 1.2(e)(2)(B)

15 days changed to 14 days - Rule 1.5(b)(2)

10 days changed to 14 days - Rule 1.8(f)(3)

2. **Substantive changes:**

1.1(d)(5) deleted as redundant, see NEGenR 1.3(g)

1.6(h) added rule regarding laptops

1.6(i) defines “news media” to include “sketch artists”

1.7(f) deletes fee requirement for pro hac vice attorneys.

**Civil Rules**

1. **Time computation changes** were made as indicated below in the cited rules. Also, the words “calendar” and “business” were deleted, per the time computation project.

2 days changed to 3 days - Rule 51.1(b)

2 days changed to 7 days - Rule 79.1(d)

3 days changed to 7 days - Rule 32.1(c)

5 days changed to 7 days - Rules 11.1(a)(1)(B), 11.1(a)(2)(B), 11.1(a)(3)(B), 39.2(a), 45.1(b), 51.1(a), 52.1

10 days changed to 14 days - Rules 7.01(b)(1)(B), 40.1(b), 60.1(b), 72.2, 79.1(f)(1)

20 days changed to 21 days - Rules 7.01(b)(1)(B), 56.1(b)(2), 67.1(b), 73.1(a)

## **2. Substantive changes:**

1.1(e) deleted as redundant, see NEGenR 1.3(g)

7.5(e) deleted

9.1(a)(2)(A) changed per electronic filing of administrative records in social security appeals

9.1(a)(2)(B) deleted per electronic filing of administrative records in social security appeals

10.1(a)(4) disclaimers added regarding hyperlinks

39.2(a) deletes requirement that litigants file in their § 2255 cases in this Court briefs submitted by the petitioner to the 8<sup>th</sup> Circuit

60.1(e) changes language regarding an appeal from a magistrate judge's order to "objections" raised to the order, consistent with the federal rules

67.1 deletes the requirement that an order directing the investment of funds state the type of interest-bearing account into which the funds are to be invested

72.2 rewritten to: 1) change language regarding an appeal from a magistrate judge's order to "objections" raised to the order, consistent with the federal rules; 2) change language regarding "report and recommendation" to "findings and recommendation" consistent with the federal rules; and 3) combine former rules 72.2 and 72.3 and reduce redundancy, particular in subparagraph (a).

72.3 deleted; substance is incorporated into NECivR 72.2.

## **Criminal Rules**

- 1. Time computation changes** were made as follows in the cited rules. Also, the words “calendar” and “business” were deleted, per the time computation project.

5 days changed to 7 days - Rules 11.1(c)(1), 12.3(c)(1), 28.2(a)(2)(B), 32.0.1(a)(1), 32.0.1(b)(1), 32.0.1(b)(6), 32.0.1(b)(7), 33.1(b)(1), 46.3(c)(1), 49.2(c)(1)(A)(ii), 49.2(c)(1)(C)(ii)

10 days changed to 14 days - Rules 11.2(c), 12.4(e), 16.1(a)(3), 41.1(b), 44.4(b), 46.4(a)(2), 55.1(g)(1), 55.1(g)(2), 59.2

15 days changed to 14 days - Rules 31.2, 46.3(c)(1), 49.5(c)

- 2. Substantive changes:**

- |            |   |
|------------|---|
| 1.1(f)     | deleted as redundant, see NEGenR 1.3(g)   |
| 6.2(b)(2)  | requires a motion to quash or limit a grand jury subpoena to be filed and served 7 days before the date for the witness’s appearance or the production of documents, deleting the provision setting an alternate time period if service was completed within 7 days of the return date                            |
| 11.1(d)    | deletes requirement that attorneys deliver signed plea agreement and petition to chambers at least 24 hours before a change of plea hearing; the proposed rule requires: 1) a copy of the plea agreement (proposed agreement suffices); 2) if completed, the plea petition; and 3) the information, if applicable |
| 12.1(a)    | changes citation from 18 U.S.C. § 3161(h)(8) to 18 U.S.C. § 3161(h)(7)(A), per 2008 amendments to the Speedy Trial Act  |
| 12.4(e)    | deleted; consistent with change in civil rules  |
| 17.4       | citation changed from 28 U.S.C. § 636(e) to 28 U.S.C. § 636(b)(1)(A)  |
| 28.2(a)(1) | specifies that an AUSA should file an interpreter request in CM/ECF using the interpreter request event   |
| 28.2(b)    | specifies that defense counsel should file an interpreter request in CM/ECF using the interpreter request event   |

- 49.2(a)(4) disclaimers added regarding hyperlinks
- 59.1(a)(16) changes citation from Fed. R. Crim. P. 46(f) to Fed. R. Crim. P. (e)
- 59.2 rewritten to: 1) change language regarding an appeal from a magistrate judge's order to "objections" raised to the order, consistent with the federal rules; 2) change language regarding "report and recommendation" to "findings and recommendation" consistent with the federal rules; and 3) combine former rules 57.2 and 57.3 and reduce redundancy, particular in subparagraph (a). The rule was renumbered consistent with the federal rules.
- 32.01, 32.02, 32.1 and 32.2, 49, 49.1, 49.3, 49.4, 59.1, 59.2, 59.3, 59.4 - renumbered for consistency with the corresponding federal rules