

2007 Annual Amendments to the Local Rules - Summary of Changes

Nebraska General Rules

- 1.1(a) Removed references to bankruptcy court. Bankruptcy court has adopted its own rules and no longer needs to be included in the district court's rules. Added phrase "civil and criminal".
- 1.1(b) Removed reference to district court's administrative procedures. This year's revision of the rules incorporates the substantive provisions of the administrative procedures. The clerk's office will incorporate the more procedural provisions of the administrative procedures into practice or training guides that will be placed on the court's CM/ECF Internet Web page. The administrative procedures will be retired upon the Judicial Council's adoption of the proposed amendments. All additions to the local rules based on electronic filing comply with the AO's Model Local District Court Rules for Electronic Case Filing. See <http://jnet.ao.dcn/it/ecf/modellocalrules.html>.
- Removed reference to bankruptcy court and added site for bankruptcy court's local rules.
- 1.1(d)(1), (3) Removed reference to bankruptcy judge.
- 1.1(d)(6) Added reference to pro se parties who file electronically. Removed reference to submitting filings on diskettes or CDs.
- 1.1(f) Removed references to administrative procedures and bankruptcy court.
- 1.2(b) Removed reference to bankruptcy court.
- 1.2(d)(1) Expanded section to include payment of fees by credit/debit card.
- 1.2(e)(1) Removed reference to bankruptcy court.
- 1.2(e)(2) Removed the phrase "of the court."
- 1.2(j) Added section on reporting judicial misconduct and disability complaints.
- 1.3(a) Removed references to bankruptcy court and the district court's administrative procedures.

- 1.3(a)(1)-(4) Added sections from the court's administrative procedures dealing with public access to the system via PACER, PACER exemptions, restricted access, and general filing requirements.
- 1.3(b)(1)-(4) Added registration sections from the court's administrative procedures, including provisions permitting pro se filers to register.

Removed section dealing with registering for ECF in bankruptcy court (former Rule 1.3(b)(2)).
- 1.3(c) Removed references to bankruptcy court and the district court's administrative procedures.

Changed wording.
- 1.3(g) Removed reference to the district court's administrative procedures.
- 1.4(a)(3)(A), (C) Added language to clarify how district judge reassignments would occur in a COOP situation. Changes suggested by COOP team and approved by Judicial Council in October 2006.
- 1.4(a)(4)(A)(I), (B) Added language to clarify that only pro se paper filers are required to file a cover sheet showing a related case. Also explains how electronic filers are so show that a case is related. Added phrase "or on the case opening screen."
- 1.4(a)(4)(A)(ii) Removed "of court" after "clerk."
- 1.4(a)(5)(B)(iii) Removed "of court" after "clerk."
- 1.4(a)(5)(C) Corrected citation to Nebraska Docket.
- 1.4(b)(4) Added language to clarify how bankruptcy judge reassignments would occur in a COOP situation. Changes suggested by COOP team and approved by Judicial Council in October 2006.
- 1.5(b)(1), (7) Added language to clarify how bankruptcy judge reassignments would occur in a COOP situation. Changes suggested by COOP team and approved by Judicial Council in October 2006.
- 1.6(c) Corrected reference to pretrial "services."
- 1.6(f), (f)(1)-(2) Added language to prohibit videorecording and broadcasting on the Internet. Changes approved by Judicial Council in April 2007. See also General Order 2007-10.

- 1.6(g)(1) Added language to prohibit broadcasting on the Internet. Change approved by Judicial Council in April 2007. See also General Order 2007-10.
- 1.6(i) Added language giving United States Marshall authority to seize equipment used in violation of the section. Change approved by Judicial Council in April 2007. See also General Order 2007-10.
- 1.6(k)(1) Change requested by government attorneys who frequently appear in magistrate judge courtrooms (i.e., where digital recording is used) during meeting with the Consistency Committee.
- 1.7(d), (f) Removed language stating that a portion of the admission fees were placed in the Federal Practice Fund.
- 1.7(g) Corrected name of the Federal Practice plans.
- 1.7(h) Changed language to show attorney assessments are now biennial rather than annual.
- 1.7(j) Removed phrase “of the court.”
- 1.8(f) Removed phrase “of this court.”

Nebraska Civil Rules

- 1.1(g)-(i) Removed definition of administrative procedures and renumbered the remaining two sections.
- 1.1(g) Eliminated option of filing documents with clerk on diskettes or CDs.
- 3.1 Clarified that civil cover sheets are required only when a pro se plaintiff files in paper.
- 3.3(b) Clarified that trust account information must be filed rather than “submitted.”

Removed last sentence because subcommittee could not determine what it meant.
- 3.3(b)(2) Removed language redundant of the statute.
- 5.1(a) Removed sentence about fax filings; they are expressly disallowed in new Nebraska Civil Rule 5.1(d).

- 5.1(b)-(c) Added language to comply with GO 2007-02 directing attorneys and registered pro se parties to open their own civil cases.
Removed references to the district court's administrative procedures.
- 5.1(c)(3) Added exception to mandatory electronic filing for physical evidence.
- 5.1(d)-(g) Added sections from the court's administrative procedures dealing with general electronic filing matters.
- 5.2 Added sections from the court's administrative procedures dealing with electronic service.
- 5.4(a) Removed reference to the district court's administrative procedures.
- 7.1(a)(2)(B) Removed reference to the district court's administrative procedures.
- 7.1(b)(2)(B) Removed reference to the district court's administrative procedures.
- 7.2 Removed reference to the district court's administrative procedures.
- 7.2(a)-(b) Added sections from the court's administrative procedures dealing with submission of proposed orders.
- 7.3 Removed reference to the district court's administrative procedures. Also added reference to 11.1.
- 7.5(e) Changed "shall" to "may."
- 9.1(a) Removed reference to the district court's administrative procedures.
- 9.1(a)(1) Changed "paper" to "document."
- 9.1(a)(2) Added sections from the court's administrative procedures dealing with Social Security cases.
- 9.1(d) Removed reference to the district court's administrative procedures.
- 10.1(a) Removed reference to the district court's administrative procedures.
- 10.1(a)(2), (4) Added sections from the court's administrative procedures dealing with indexes of evidence, exhibits, and hyperlinks.
- 11.1(a) Added sections from the court's administrative procedures dealing with electronic signatures.
- 16.1(c) Added section to incorporate provisions of GO 2007-12.

- 16.2(a)(2) Modified the language based on changes suggested by Magistrate Judge Piester. Entirely removed former subsection (F) on depositions and other discovery documents. Re-numbered sections.
- 30.1(a) Added language to require court reporter to electronically file certificate.
- 39.3(a-b), (d) Changes requested by court's Exhibit Process Redesign Committee.
- 40.1(b)(1) Added language based on changes suggested by Magistrate Judge Piester.
- 79.1(b) Changes requested by clerk's office to show correct closing times and to remove reference to Omaha copier.
- 79.1(d), (f) Changes requested by court's Exhibit Process Redesign Committee.

Nebraska Criminal Rules

- 1.1(h)-(i) Removed definition of administrative procedures and renumbered the remaining two sections.
- 1.1(i) Eliminated option of filing documents with clerk on diskettes or CDs.
- 11.1(a) Removed the threat of imposition of jury and interpreter costs for late pleas. See *United States v. Mink*, 476 F.3d 558, 563-64 (8th Cir. 2007).
- 12.2 Removed reference to the district court's administrative procedures.
- 12.2(a-b) Added sections from the court's administrative procedures dealing with proposed orders.
- 12.3 Changed title of rule to broaden its application.
- 12.3(b)(2) Removed reference to the district court's administrative procedures and added cross-reference to Nebraska Criminal Rule 49.2(a)(2).
- 12.4(e) Changed "shall" to "may."
- 28.2(a)(1) Removed reference to form to request an interpreter.

- 31.2 Removed the threat of imposition of jury and interpreter costs for late pleas. See *United States v. Mink*, 476 F.3d 558, 563-64 (8th Cir. 2007).
- 32.1(b)(6) Changed “submit to the sentencing judge and the probation officer” to simply “file” so that all documents will be uploaded to CM/ECF rather than sent by mail, e-mail, or fax.
- 32.1(b)(6-7) Added “deviation or variance” to each mention of “departure” to better reflect current criminal practice.
- 33.1 Added a section similar to Rule 12.3 for filing and responding to post-trial motions.
- 41.2(c)(2) Removed an extra section symbol.
- 49.1(a) Removed sentence about fax filings; they are expressly forbidden in new Nebraska Criminal Rule 49.1(d).
- 49.1(c)(1) Added language to require registered pro se parties to file electronically.
- 49.1(c)(4) Added language to clarify that juvenile cases are not subject to the mandatory electronic filing policy even if the juvenile is subsequently tried as an adult.
- 49.1(c)(5) Removed reference to the district court’s administrative procedures.
- 49.1(d-g) Added sections from the court’s administrative procedures dealing with general electronic filing matters.
- 49.2(a) Removed reference to the district court’s administrative procedures.
- 49.2(a)(2) Removed reference to the district court’s administrative procedures.
- 49.2(a)(2), (4) Added sections from the court’s administrative procedures dealing with indexes of evidence, exhibits, and hyperlinks.
- 49.2(c) Added sections from the court’s administrative procedures dealing with electronic signatures. Removed reference to the district court’s administrative procedures.
- 49.2(d) Added section at request of Exhibit Process Redesign Committee.

- 49.4 Added sections from the court's administrative procedures dealing with service. Removed language redundant of new Rule 49.4(a).
- 49.5(a) Removed reference to the district court's administrative procedures.
- 49.5(b) Added and removed language to reflect the court's administrative procedures dealing with electronic certificates of service.
- 55.1(b) Changes requested by clerk's office to show correct closing times and to remove reference to Omaha copier.
- 55.1(d-e), (g) Changes requested by court's Exhibit Process Redesign Committee.