

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

11 APR 20 PM 5:00

OFFICE OF THE CLERK

IN RE THE HANDLING OF ETHICS
COMPLAINTS ARISING IN CASES
FILED IN THE DISTRICT OF
NEBRASKA

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GENERAL ORDER

NO. 2011-04

This order rescinds General Order 2011-03.

IT IS ORDERED:

If an ethics complaint (complaint) is made against an attorney in any open or closed case or proceeding in this district or bankruptcy court, regardless of whether the complaint is filed directly with the court or forwarded from the Counsel for Discipline of the Nebraska Supreme Court, see General Order 2011-02, the following steps will be taken:

1. All ethics complaints will be filed and maintained in sealed attorney discipline ("AD") cases in CM/ECF. Each ethical complaint against an attorney will be given a separate case number in CM/ECF.
2. All filings related to the complaint or disciplinary matter will be made in the AD case. The district court clerk's office will relate in CM/ECF the civil, criminal, or bankruptcy case in which the ethics complaint arose with the AD case. The district court clerk's office will also relate an AD case filed after the date of this order with any AD cases involving the same attorney filed prior to the date of this order.
3. The judge assigned to the civil, criminal, or bankruptcy case in which the ethics complaint arose is responsible for determining what action should be taken with regard to the complaint, pursuant to NeGenR 1.8(d)(4). If the assigned judge is no

longer a member of the court, the district chief judge will either handle the case or assign it another judge.

4. Magistrate Judge Zwart will be the referral judge in CM/ECF for all AD cases.
5. Each assigned judge will determine what role Magistrate Judge Zwart will take in the review, investigation, or prosecution of the complaint under NeGenR 1.8(d)(4). Magistrate Judge Zwart will take no action on any ethics complaint until directed to do so by the assigned judge.
6. The court's Docket and Local Committee will include the provisions of this order in the next annual review of the local rules. This order will be deemed superseded upon the Eighth Circuit Judicial Council's approval of the amendments to the local rules and the resulting republication of the local rules as amended.

DATED this 20th day of April, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge