

## **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)

1.1(e) the proposed effective date of the local rules is December 1, 2009, the same date that the amendments to the federal rules become effective. Formerly, the local rules became effective on the date that they were approved by the judicial council.

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 7.0.1(c), 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 7.0.1(b)(1)(B), 40.1(b), 60.1(b), 72.2,  
79.1(f)(1)

15 days changed to 14 days - Rule 5.4(c)

20 days changed to 21 days - Rules 7.0.1(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(d) 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.

2 days changed to 7 days - Rule 55.1(d)

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)(B)(ii), 49.2(c)(1)(C)(ii)

10 days changed to 14 days - Rules 11.2(c), 16.1(a)(3), 41.1(b), 44.1(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) 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. 46(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