

**2014 PROPOSED AMENDMENTS TO LOCAL RULES  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA**

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**GENERAL RULES**

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**1.3 Case Filings; Appearance and Withdrawal of Attorneys; Pro Se Litigants.**

**(a) Electronic Case Filing (“CM/ECF”). ...**

**(1) Public Access to the System. ...**

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**(B) Restrictions on Remote Access.**

- (i) Sealed Documents.** A sealed case or document is placed on the System but is not remotely accessible to the public or available at the terminals in the clerk’s office unless the court orders the case or document unsealed. See NECivR 7.5; NECrimR 12.54.

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**1.5 Bankruptcy Cases.**

- (a) Reference to Bankruptcy Court.** All cases under Title 11 of the United States Code, and all proceedings arising under Title 11 or related to a case brought under Title 11, are referred to the bankruptcy court of this district under 28 U.S.C. § 157.

- (1) Civil Cases.** Upon the filing of a suggestion in bankruptcy, or other notification that a party to a civil case is a debtor in a bankruptcy case, **the court issues an order staying further proceedings in the case as to the party in bankruptcy. The case may proceed as to any parties**

not in bankruptcy. If any party files a motion requesting referral of the case to the bankruptcy court, the case is referred to the bankruptcy court for further action. Upon receiving the referral, the entire case is referred to the bankruptcy court for further action. Under this rule, the matter is referred to the bankruptcy court even if the suggestion of bankruptcy states the bankruptcy proceeding was initiated in another district. ~~The bankruptcy judge requests status reports from the parties. After reviewing the status reports, the bankruptcy judge determines whether the case should proceed in bankruptcy court or be returned to district court. If the case is to be returned to district court, the bankruptcy judge files a report and recommendation concerning withdrawal of the reference. The report includes a recommendation regarding the necessity of the debtor's participation in the case, and, if appropriate, the bankruptcy judge enters an order in the bankruptcy case granting relief from the automatic stay to allow the case to proceed with the debtor as a party.~~

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## 1.7 Practice of Law.

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- (d) **Admission to Practice.** ~~Upon oral or written application, a judge or the clerk may admit to practice in this court an attorney admitted and licensed to practice before the highest court of any state. The applicant must (1) satisfactorily show good moral character, (2) take the prescribed oath, and (3) pay the prescribed fee. The showing of good moral character may be made by (1) an oral or written declaration of a member of this court's bar or (2) a certificate of the clerk of the highest court of any state in which the applicant is admitted to practice. The declaration or certificate must be signed within the 60 days immediately preceding submission. The clerk then issues a certificate of admission and adds the applicant's name to the attorney roll.~~ An attorney admitted and licensed to practice before the highest court of any state may apply for admission to practice in this court. The application may be submitted electronically. The application requires the attorney to read and acknowledge the oath in subsection 1.7(e) of this section and pay the prescribed fee. Once the clerk has verified the attorney's

admission to the bar of the state identified on the application, the clerk will issue a certificate of admission and add the applicant's name to the attorney roll.

(1) **Fee Waiver.** Attorneys employed with federal agencies are not required to pay the admission fee, but must still apply for admission to the court's bar as prescribed in subsection 1.7(d).

(e) **Oath of Admission.** ~~The following oath or affirmation is administered to an applicant for admission to this court's bar:~~ An applicant for admission to this court's bar must swear, affirm, or acknowledge the following:

~~You do solemnly swear (or affirm) that as~~ As an officer of the United States District Court for the District of Nebraska ~~you~~ I will demean ~~yourself~~ myself faithfully, uprightly, and according to law; and ~~that you~~ I will support, uphold, and defend the Constitution of the United States of America.

(f) **Admission for a Particular Case (Pro Hac Vice).** An attorney admitted and licensed to practice before the highest court of any state may apply ~~orally or~~ in writing to a judge or the clerk to practice in this court for a particular case. ~~The attorney must (1) submit a certificate from the clerk of the highest court of any state in which the attorney is admitted to practice, and (2) take the prescribed oath. The certificate must be signed within the 60 days immediately preceding submission.~~ The clerk will verify the attorney's admission to the bar of the state identified on the application. An attorney admitted pro hac vice is not charged an admission fee, but must read and acknowledge the oath in subsection 1.7(e) of this section.

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## CIVIL RULES

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### 6.1 Time.

(a) ~~Extensions of Time.~~

~~(1) **Addressed by Clerk.** Upon motion, the clerk may order 1 extension of time, not to exceed 30 days after the defendant's initial answer date or the plaintiff's or crossclaimant's initial reply or answer date, to serve: (A) an answer to the complaint; (B) a reply to a counterclaim; (C) an answer to a crossclaim in an answer; or (D) a motion under Federal Rule of Civil Procedure 12(b) or (e) to the complaint or to a counterclaim or crossclaim. The motion for an extension of time must be filed before the time originally allotted to answer or reply expires. The motion must (A) state the date when the answer or reply was originally to be served and (B) the new service date. If the motion is timely, the clerk enters a text-only order granting the extension of time. No .pdf document is attached to the entry.~~

~~(2) **Addressed by Judge.** Only the assigned judge may grant other or additional extensions of time for good cause shown.~~

**(a)(b) Computation; 3-Day Mailing Rule.** Federal Rule of Civil Procedure 6 applies when computing any period of time stated in these rules. The 3-day federal mailing rule applies whether service is accomplished by mail, by leaving with the clerk, by electronic filing, or by other means to which the parties have consented.

**(b)(e) Response Time Computation.** Unless a local rule states otherwise, Federal Rule of Civil Procedure 6 governs the computation of response time.

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## 16.1 Scheduling Orders.

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**(c) Pro Se Cases.** Pro se cases assigned to a district judge for trial that are pending or filed after August 6, 2007, are exempt from the disclosure and conference requirements of Federal Rule of Civil Procedure 26. **Unless otherwise ordered by the court,** no scheduling orders will be entered in those cases.

## 67.1 Deposits.

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### (b) Investment of Registry Funds.

- (1) Funds on deposit with the court will be placed in interest-bearing instruments in the Court Registry Investment System (CRIS) administered by the Administrative Office of the United States Courts, which is the only investment mechanism authorized.
- (2) Under CRIS, monies deposited in each case will be “pooled” together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury in an account in the name and to the credit of the Director of the Administrative Office of the United States Courts.
- (3) An account for each case will be established in CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account’s principal and earnings has to the aggregate principal and income total in the fund.
- (4) The court will direct that post-adjudication deposits held on behalf of minors until their age of majority be invested in the Minors’ Fund within CRIS.

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## CRIMINAL RULES

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*No amendments proposed.*