

2024 Proposed Amendments to Local Rules

The Local Rules Committee met on July 24, 2024, September 3, 2024, and October 28, 2024, to discuss multiple proposals seeking amendments to the Local Rules. After thorough review, the Committee recommends that the Local Rules be amended as set out below.

I. General Rules

The Clerk's Office submitted a proposal recommending these changes to the General Rules:

- **NEGenR 1.3(b)(1):** Amend to clarify that “electronic filing registration” constitutes a party’s consent to electronic service, not simply registering with PACER. See also proposed amendment to NECivR 5.1.
- **NEGenR 1.7:** Chief Judge Rossiter proposes a complete rewrite of NEGenR 1.8 (Attorney Discipline). As amended, Rule 1.8 will provide that attorneys admitted to practice in this court must comply with the Nebraska Rules of Professional Conduct. Therefore, the handful of ethical standards set forth in Rule 1.7 were stricken to avoid conflicts with the state’s standards.
- **NEGenR 1.8:** Chief Judge Rossiter proposes a complete rewrite of the attorney discipline rules. The rewritten rules:
 - Adopt the Nebraska Rules of Professional Conduct;
 - Provide that grievances alleging an attorney violated the Nebraska Rules of Professional Conduct in a case before this court may be filed directly with the Nebraska Supreme Court Counsel for Discipline OR with the chief judge of this court. In addition, provide that any such grievance received by the chief judge of this court may be referred to the Nebraska Supreme Court Counsel for Discipline;
 - Streamline provisions governing reciprocal discipline; and
 - Streamline provisions governing the administrative duties of the clerk.

II. Civil Rules

- **NECivR 5.1:** The Clerk’s Office seeks to amend NECivR 5.1 to codify long-standing policies governing electronic filing for pro se litigants.
- **NECivR 7.1:** Katy Westhoff proposes that NECivR 7.1’s requirements regarding citations and evidence be modified. Separately, David Dirgo proposes modifying NECivR 7.1 to address generative artificial intelligence.

- **NECivR 54.3(b):** Judge Buescher proposes an amendment to NECivR 54.3(b) prohibiting “block billing” in attorney fee applications. Block billing often lacks the necessary precision to determine the reasonableness of the fees claimed for the multiple activities listed in a single time “block.” The Eighth Circuit Court of Appeals has recognized that “a reduction in attorney’s fees may be appropriate when recordkeeping is poor or block billing is submitted.” *Gruttemeyer v. Transit Auth.*, 31 F.4th 638, 651 (8th Cir. 2022) (citing *Ryan Data Exch., Ltd. v. Graco, Inc.*, 913 F.3d 726, 736 (8th Cir. 2019)).

III. Criminal Rules

- **NECrimR 12.3:** David Dirgo proposes modifying NECrimR 12.3 to address generative artificial intelligence.
- **NECrimR 32.1(b):** Judge Buescher proposes the addition of a provision to NECrimR 32.1(b) that imposes a 48-hour deadline for submitting things like sentencing memoranda, character letters, exhibits, etc., for the Court to consider prior to sentencing.