

1.7 Practice of Law.

(a) Bar of the Court.

The bar of this court consists of persons admitted to practice before the court. See NEGenR 1.7(c).

(b) Ethical Standards.

An attorney who is admitted to practice in this court must comply with the Nebraska Rules of Professional Conduct and this court's local rules. See NEGenR 1.8.

(c) Admission to Practice.

An attorney admitted and licensed to practice before the highest court of any state may apply for admission to practice in this court. The request must be submitted through PACER at the following web address: <https://www.pacer.gov/>. The attorney must read and acknowledge the oath in subsection 1.7(d) 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(c).

(d) Oath of Admission.

An applicant for admission to this court's bar must swear, affirm, or acknowledge the following:

As an officer of the United States District Court for the District of Nebraska I will demean myself faithfully, uprightly, and according to law; and I will support, uphold, and defend the Constitution of the United States of America.

(e) Admission for a Particular Case (Pro Hac Vice).

An attorney admitted and licensed to practice before the highest court of any state may apply in writing to practice in this court for a particular case. An initial request to proceed pro hac vice in this court must be submitted

through PACER at the following web address: <https://www.pacer.gov/>; then, a motion filed in the applicable case. Unless directed otherwise, attorneys making subsequent appearances pro hac vice in this court need only file a motion in the applicable case. The clerk will verify the attorney's admission to the bar of the state identified on the motion. An attorney admitted pro hac vice must read and acknowledge the oath in subsection 1.7(d) of this section.

(f) Attorney Appointments.

A judge may appoint any member of this court's bar to represent indigent litigants. Appointed attorneys may request authorization to incur expenses under the Criminal Justice Act, 18 U.S.C. § 3006A, or the Amended Plans for Administration of the Federal Practice Fund and the Federal Practice Committee, <https://www.ned.uscourts.gov/plans-and-policies>. Appointed attorneys may not, however, contract with the litigant for the payment of attorney fees for professional services without the court's explicit prior approval.

(g) Pro Hac Vice Admission Fee.

In civil cases the only source of funds available to reimburse appointed attorneys for reasonable expenses incurred in representing an indigent litigant is the Federal Practice Fund, <https://www.ned.uscourts.gov/internetDocs/pom/crtplans/fedpract.pdf>. To ensure that the fund will cover these expenses, the court charges a pro hac vice fee to attorneys seeking to be admitted pro hac vice. The proceeds of this fee are used to defray the cost of maintaining a roll of attorneys admitted to practice before this court and for the Federal Practice Fund. Failure to pay the pro hac vice fee is cause to deny an attorney admission to proceed pro hac vice.

(h) Nonresident Attorneys.

A judge may require an attorney who is not a resident of this district to associate with an attorney who is both a resident of this district and a member of this court's bar. This resident attorney's name must be identified on all documents filed thereafter and that attorney must continue in the case unless another resident attorney makes an appearance. The resident attorney need not be present in court during all proceedings unless the court orders otherwise. The resident attorney must have full authority to act for and on behalf of the client in all matters, including appearing at pretrial conferences, trial, or any hearings.

(i) Clinical Legal Education.

(1) Limited Admission.

(A) By Motion.

An eligible law student acting under a supervising attorney may be admitted to the limited practice of law in this court on the supervising attorney's motion.

(B) Representation.

- (i) An eligible law student may represent the United States in both civil and criminal matters.
- (ii) If a supervising attorney and the client give written consent, an eligible law student may represent the client in any civil or criminal matter.

(C) Permitted Activities.

The eligible law student may, under the conditions stated below, interview, advise, hold consultations, and prepare and sign documents for filing. The eligible law student may participate orally in contested and uncontested matters, including trials.

(D) Application of Rules.

The eligible law student is bound by all of this court's rules applicable to the supervising attorney in the case in which the law student is participating.

(2) Eligibility.

To be eligible to appear and participate a law student must:

- (A) be a student enrolled and in good standing in a law school approved by the American Bar Association. A law student is considered enrolled during the student's law school's summer vacation after completion of the requirements of Nebraska General Rule 1.7(i)(2)(B);

- (B) have completed 4 semesters of legal study or the equivalent if the law school is not on a semester basis;
- (C) file with the clerk:
 - (i) a law school dean's certificate stating that the student is of good moral character, meets the requirements in Nebraska General Rule 1.7(i)(2)(A) and (B), and is qualified to serve as a legal intern. The certificate must be in a court-approved form and is effective for 12 months after it is filed or until the student's graduation from law school, whichever is earlier;
 - (ii) a certificate in a court-approved form stating that the student has read and agrees to abide by this court's rules, applicable ethical standards, and other relevant federal practice rules; and
 - (iii) a notice of appearance in each case in which the student participates or appears as a law student intern. The notice must be in a court-approved form and signed by the supervising attorney, the student intern, and the client or authorized representative;
- (D) be introduced to the court in which the student appears by an attorney admitted to practice in this court; and
- (E) receive the court's affirmative consent for the student to appear before it.

(3) Restrictions.

A law student admitted under these rules may not:

- (A) request or receive compensation or remuneration of any kind directly from the client. This restriction does not prevent the supervising attorney or the attorney's law firm, a law school, a public defender, or any government agency from compensating the law student, or prevent any firm or agency from charging for its services as it may otherwise properly charge;
- (B) appear in court without the supervising attorney; or

- (C) file any documents the student prepared that were not read, approved, and signed by the supervising attorney and cosigned by the student.

(4) Notice.

A supervising attorney who intends to use a student attorney under this rule in a contested matter must notify the court and opposing counsel before the matter is scheduled to begin. If the court decides the student attorney's participation would be inappropriate, the court will advise the supervising attorney and the student attorney may not appear.

(5) Termination.

A student attorney's certification terminates if the student attorney (A) does not take the first bar examination after graduation, (B) takes the examination and fails it, or (C) is admitted to full practice before this court. The student attorney's law school dean or the supervising attorney may withdraw the certification at any time by submitting a notice to the clerk. The notice need not state the cause for the withdrawal. A judge may also terminate a student attorney's admission to limited practice at any time without notice, hearing, or showing of cause.

(6) Supervising Attorney.

Any person acting as a supervising attorney under this rule must be admitted to practice in this court and must also:

- (A) assume personal professional responsibility for the conduct of the student being supervised;
- (B) cosign all documents prepared by the student;
- (C) advise the court of the student's participation under Nebraska General Rule 1.7(i)(4), be present with the student at all times in court, and be prepared to supplement oral or written work of the student as the court requests or as necessary to ensure the client's proper representation; and
- (D) be available for client consultation.