IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF THE AMENDMENT) OF THE LOCAL RULES OF PRACTICE) REGARDING ETHICAL STANDARDS)	GENERAL ORDER 2005-10

Pursuant to the decision of the Court en banc on April 29, 2005,

IT IS ORDERED that:

1. Effective immediately, the Court amends the Nebraska General Rules (August 6, 2004) in the following particulars.

2. All of NEGenR 1.7(b) is stricken and the following is inserted in its place:

   (b) **Ethical Standards**. The standards of conduct governing the members of the bar of this court are these:

   (1) counsel shall comply with the rules of this court; and

   (2) counsel shall refrain from conduct unbecoming of a member of the bar.

   (A) The court declines specifically to adopt particular codes of professional responsibility or particular codes of ethics promulgated by others.

   (B) However, and in addition to any other material, the court may consult codes of professional responsibility or codes of ethics promulgated by others when determining whether a lawyer has engaged in conduct unbecoming a member of the bar.

3. The following conforming amendments are made[1]:

   NEGenR 1.7(g), regarding the second sentence, is amended, to wit:

   This is an ethical obligation of attorneys[.]~~in fulfillment of the underlying precepts of Canon 2 of the Code of Professional Responsibility.~~

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[1]Inserts are underlined (as this) and deletions are stricken (~~as this~~).

NEGenR 1.8(d), regarding the caption, is amended, to wit:

Violation of Ethical Standards. ~~**Violation of Code of Professional Responsibility.**~~

NEGenR1.8(d)(3), relating to the definition of misconduct, is amended, to wit:

> Acts or omissions by an attorney, acting individually or in concert with any other person or persons, ~~which~~ that violate the ethical standards set out in NEGenR 1.7(b) ~~Code of Professional Responsibility adopted by this court~~ . . . .

NEGenR 1.8 (e)(4), at the third sentence, is amended, to wit:

> The provisions of this rule on uncivil or unprofessional conduct do not limit or replace the authority or responsibility of the court or counsel to report or initiate disciplinary proceedings for any alleged uncivil or unprofessional conduct ~~which~~ that violates this court's ethical standards set out in NEGenR 1.7(b)[.] ~~Code of Professional Responsibility.~~

4. The Docket and Local Rules Committee of the Court shall include these amendments in the annual review of the Local Rules and transmit them to the Eighth Circuit Judicial Council for approval at such time as the Committee deems appropriate. Nevertheless, these amendments are effective immediately. This General Order shall be deemed superseded upon the approval of these amendments by the Eighth Circuit Judicial Council and the resulting republication of the local rules as amended.

5. The Clerk of the Court shall give e-mail notice of adoption of these amendments to all attorneys registered on CM/ECF, shall post a notice of these amendments on the Court's external web site, and shall request the Nebraska State Bar Association to post a similar notice on its web site.

April 29, 2005.

BY THE COURT:

s/Joseph F. Bataillon
Chief Judge

s/Richard G. Kopf
United States District Judge

s/Laurie Smith Camp
United States District Judge