

***Amended and Restated Regulations for the District of Nebraska Branch  
of the Historical Society of the United States Courts  
in the Eighth Circuit***

Pursuant the Amended and Restated Bylaws<sup>1</sup> of the Historical Society of the United States Courts in the Eighth Circuit (Society), the District of Nebraska Branch (Nebraska Branch) does hereby amend, adopt and restate its regulations:

***1. Purpose of Nebraska Branch and Relationship to Other Entities.***

A. The Nebraska Branch shall function as a local historical society for the United States District Court for the District of Nebraska. The Nebraska Branch may conduct projects, keep and exhibit collections, hold exhibits, prepare and distribute publications, accept gifts, and, in general, engage in such other activities as are customary and appropriate for a historical society.

B. Under no circumstances shall the Nebraska Branch be considered to be controlled by the United States District Court for the District of Nebraska or any of its judges or employees. While the Nebraska Branch shall work closely with the Federal Practice Committee of the United States District Court for the District of Nebraska (Federal Practice Committee), and while the Nebraska Branch may seek contributions from the Federal Practice Fund, the Nebraska Branch shall remain separate from the Federal Practice Committee and the Federal Practice Fund.<sup>2</sup>

C. The Nebraska Branch is part of the Society and shall operate in a manner consistent with the bylaws and mission of the Society. The Society's mission is to preserve and celebrate the rich history of the federal courts of the seven states that make up the Eighth Circuit. Toward this end, the Society has organized separate branches for each of the United States district courts located in Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, as well as a branch for the circuit court of appeals that encompasses all of these states. The Society is a not-for-profit corporation organized and operating under the laws of the State of Missouri. It is governed by a board of directors made up of representatives of each of the branches. The Society and its branches are tax exempt organizations pursuant to section 501(c)(3) of the Internal Revenue Code, and contributions to the Society and its branches are tax deductible. The Society and its

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<sup>1</sup>The Bylaws may be found at <http://www.lb8.uscourts.gov> under “Quick Links,” “8<sup>th</sup> Circuit Historical Society” and “Incorporation/Bylaws.” Paragraph 2 deals with “Branches and Branch Regulations.”

<sup>2</sup>For information regarding the Federal Practice Committee and the Federal Practice Fund, consult [www.ned.uscourts.gov](http://www.ned.uscourts.gov) under the tabs “Forms/Plans/Orders,” “Court Plans/Policies” and “Amended Plans for Administration of the Federal Practice Fund and Federal Practice Committee.” The Federal Practice Committee consists of up to 19 members and the majority of those members are practicing lawyers. A practicing lawyer is selected by the chief judge to serve as the chair person of the committee. The Federal Practice Committee advises the court on matters related to federal practice including expenditures from the Federal Practice Fund, a fund derived primarily from attorney admission fees. No appropriated funds may be included in the Federal Practice Fund.

branches are not a part of, nor are they controlled by any of the courts, judges or employees of the courts.

**2. Construction of Regulations with Codes of Conduct.**

The Society and the Nebraska Branch recognize the importance of the Codes of Conduct governing federal judges and employees.<sup>3</sup> These regulations shall be construed in accordance with those ethical norms.

**3. Membership.**

Regular members of the Nebraska Branch shall consist of all persons admitted to practice before the United States District Court for the District of Nebraska. Honorary members (persons or entities not admitted to practice before the court) may be admitted to membership upon such terms and conditions as the Nebraska Branch may from time to time provide.

**4. Financial Support for the Nebraska Branch.**

A. The Nebraska Branch anticipates that its primary source of support shall come from the Federal Practice Committee through contributions authorized by that Committee from the Federal Practice Fund.<sup>4</sup> However, the Nebraska Branch recognizes that it has no entitlement to any such contributions.

B. Regular members of the Nebraska Branch shall not be charged dues by the Nebraska Branch.

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<sup>3</sup>See Volume II, *Guide to Judiciary Policies and Procedures*, Chaps. 1, 4-6 (revised May 31, 2005) (collecting *Codes of Conduct for United States Judges*, *Published Advisory Opinions*, & *Compendium of Selected Opinions*). The *Codes of Conduct for United States Judges* and the *Published Advisory Opinions* are available over the Internet at [www.uscourts.gov](http://www.uscourts.gov) under the tabs “Library” and “Manuals/Policy.” The *Codes of Conduct for Judicial Employees* may be found there also. Note that *Advisory Opinion No. 104* (addressing court historical societies and the ethical strictures that apply to federal judges and court employees who are involved in such entities) is particularly relevant.

<sup>4</sup>According to the governing document, the “Fund may be used to support the work of the . . . the Historical Society of the United States Courts in the Eighth Circuit and the District of Nebraska Branch, including, but not limited to, paying for the travel or other expenses of attorney members of such societies, branches, . . . .” *Amended Plan for the Administration of the Federal Practice Fund*, ¶ III(f) at 3.

C. Dues may be levied for honorary members in such amount as the Nebraska Branch may from time to time approve. Should any such honorary member be in default in the payment of dues, his or her honorary membership may be terminated without notice.

**5. *Officers, Appointment, Powers and Duties.***

A. All officers of the Nebraska Branch shall be appointed by the chair person of the Federal Practice Committee.

B. The officers of the Nebraska Branch shall consist of a president, and a secretary-treasurer. The office of president and the office of secretary-treasurer shall be held by different persons. The chair person of the Federal Practice Committee may also designate a separate person as the secretary and a separate person as the treasurer. In the event any officer is unable to serve, the chair person of the Federal Practice Committee shall exercise the powers of the vacant office until a successor is appointed.

C. No officer of the Nebraska Branch shall be a judge or an employee of a federal court.

D. Officers shall hold office for a term of two years and thereafter until their successors are chosen and qualify in their stead. Any officer may be removed at the sole discretion of the chair person of the Federal Practice Committee.

E. The president of the Nebraska Branch shall be the chief executive officer of the branch with all powers and duties typically attendant to such position.

F. The secretary-treasurer of the Nebraska Branch shall have all powers and duties typically attendant to such positions.

G. All funds of the Nebraska Branch shall be held in a non-governmental institution such as a bank. Under no circumstances shall the funds of the Nebraska Branch be commingled with appropriated funds or the funds of any other entity including the Federal Practice Fund.

**6. *Governance by Executive Committee.***

A. The Nebraska Branch shall be governed by an Executive Committee consisting of the officers appointed pursuant to the preceding section and the chair person of the Federal Practice Committee. The Executive Committee shall set the policies and practices of the Nebraska Branch and the policies and practices of the Executive Committee. Except as otherwise provided herein, a majority vote of the members of the Executive Committee shall govern. In the case of a tie, the decision of the chair person of the Federal Practice Committee shall prevail.

B. The Executive Committee may invite judges and court employees to attend and participate in meetings of the Executive Committee as non-voting members.

**7. *Selection of Directors for the Society.***

A. Each branch is entitled to two Society directors. Subject to the qualifications set by the Society in its Bylaws, the Executive Committee shall select the directors.

B. The Bylaws of the Society require that the president of the branch and a judge from the court associated with the branch serve as Society directors and the Nebraska Branch shall comply with these directions.

C. A judge who is selected as a director for the Society shall not be considered an officer of the Nebraska Branch. No judge shall be selected to serve as a Director of the Society without his or her consent.

D. Subject to their fiduciary duties to the Society, directors shall represent the interests of the Nebraska Branch in conformity with such directions as may be provided by the Executive Committee.

**8. *Amendment of Regulations.***

A. These regulations may be amended in three ways.

B. The Society may amend these regulations as provided in its Bylaws.

C. At the request of any member of the Executive Committee, the Executive Committee may amend these regulations by unanimous vote.

D. Five or more regular members of the Nebraska Branch, who are not judges or court employees, may petition the Executive Committee to amend these regulations. If the Executive Committee receives such a petition from five or more regular members of the Nebraska Branch, who are not judges or court employees, the Executive Committee shall consider the proposed amendment. Upon a unanimous vote of the Executive Committee, the regulations shall be amended as proposed in the petition.

E. Any amendment of these regulations must be approved by the Society.

Dated this 23<sup>rd</sup> day of April, 2007.

***For the Nebraska Branch:***

*s/Mary J. Hewitt, President*

*s/Frank Mihulka, Treasurer*