

§ 6-401. Definitions.

(A) Electronic Filing. Electronic filing (E-Filing) is the transmission of pleadings, motions, and other documents (Documents) to the Clerk of the Court via the Internet through the court-authorized service provider. An E-Filed document is a Document which has been filed using E-Filing.

(B) Electronic Service. Electronic service (E-Service) is the electric transmission of Documents to any Nebraska attorney representing a party in a case. Any Nebraska attorney who has registered to use E-Filing thereby agrees to receive E-Service of any Document, other than service of a summons or initial pleading.

(C) Electronic Notice. Electronic notice (E-Notice) is the electronic transmission of notices, opinions, court entries, and any other dispositional order or information from the court to all users who have provided a valid e-mail address for E-Notice under § 6-403.

(D) Durable Medium. Durable medium shall be any information storage medium that is created by a durable process. A process shall be the combination of hardware, software, storage media, techniques, and procedures used to manage, create, store, retrieve, and delete information belonging to the party required to maintain the record. A process shall be durable if it meets the following criteria:

(1) The process is capable of creating and storing information for the required records retention period.

(2) The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process.

(3) The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form.

(4) The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.

(5) The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable, and incorruptible manner.

(6) The process allows the removal of information when it reaches the end of its required retention period.

(7) The process is documented so as to demonstrate to a reasonable person compliance with these criteria.

(E) User. A user is a person or entity who is making use of one or more of the electronic services as defined in § 6-401. Any user who is not a Nebraska attorney may only use electronic services as expressly authorized by this Rule.

(F) JUSTICE. Judicial User System To Improve Court Efficiency (JUSTICE) is the Nebraska Supreme Court's Case and Financial Management System for Nebraska trial courts.

COMMENT

The definition of "durable medium" is modeled on 430 Neb. Admin. Code, ch. 1, § 001.18 (2009).

§ 6-401(A) amended and § 6-401(C) deleted August 12, 2008; § 6-401(C) adopted January 21, 2010; § 6-401(C) renumbered to § 6-401(D) and § 6-401(C) adopted December 22, 2010, effective May 1, 2011.; § 6-403(E) and (F) adopted September 24, 2014, effective January 1, 2015; § 6-401 amended June 8, 2016.
