

Article 11: Emergency Actions and Orders.

§ 1-1101. Emergency document delivery for filing in Nebraska courts.

(A) In the event of a disaster or emergency declared by order of the Nebraska Supreme Court that causes difficulty in accessing the counter staff of any clerk's office of any district, separate juvenile, county court, Workers' Compensation Court, or the appellate courts, the Nebraska Supreme Court may issue an order designating an alternate method for document delivery, including, but not limited to:

(1) delivering documents for filing to court staff, whether in person or via U.S. Mail, at an alternate facility designated by the Supreme Court;

(2) delivering documents for filing by email to the appropriate court clerk with the necessary document attached in a PDF format to an email address designated by the Supreme Court; and/or

(3) providing an alternate fax machine number as designated by the Supreme Court and Court of Appeals, district, separate juvenile, county court, or Workers' Compensation Court by which to accept fax filings pursuant to Neb. Ct. R. § 6-601 et seq.

(B) Limitations. Nebraska attorneys are prohibited from using email as provided in subsection (A)(2) above as a document delivery method for filing with any court unless specifically allowed by the Supreme Court's order. Nebraska attorneys shall utilize the E-Filing services as outlined in Neb. Ct. R. § 6-401 et seq. and Neb. Ct. R. App. P. § 2-200 et seq. to accomplish filings that cannot be delivered in person, by U.S. Mail, or fax machine.

(C) Email transmission of documents for filing.

(1) Electronic transmission of a document by email does not constitute filing; filing is complete only after the receiving clerk's acceptance of the document for filing in compliance with applicable statutes and court rules. The clerk's endorsement, or a JUSTICE-generated endorsement, on the document of the date of filing shall be presumed to be the date of acceptance, and such presumption shall not be rebutted except by clear and convincing evidence.

(2) Risk of loss in transmission is upon the party transmitting the documents by email.

(3) Fees are still required to be paid to the clerk for any pleading or filing transmitted by email that statutorily requires a filing or docket fee. The clerk may wait for the statutorily required fee before filing the document.

(D) Any order entered by the Supreme Court pursuant to this rule shall remain in effect until such time as the Supreme Court declares.

§ 1-1101 adopted April 22, 2020.
