

IN THE COUNTY COURTS OF THE EIGHTH JUDICIAL DISTRICT OF NEBRASKA

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)  
) ADMINISTRATIVE ORDER  
) (RE: COURT PROCEDURES AND THE  
) CONTINUING CORONAVIRUS/COVID-19  
) STATE OF EMERGENCY)

NOW ON THIS 23rd day of November, 2020, this matter comes before the judges of the County Courts of the 8th Judicial District on the Court’s own motion to reevaluate procedures to be utilized during the current pandemic. Being fully advised in the premises, and in an effort to maintain judicial operations and access to the court system, while mitigating exposure to, and the spread of COVID-19, the Court finds and orders as follows:

On March 12, 2020, Nebraska Supreme Court Chief Justice Michael G. Heavican issued an administrative order regarding procedures to be followed in Nebraska’s trial and appellate courts in response to the public health emergency caused by the novel coronavirus and the COVID-19 disease.

On March 13, 2020, President Donald J. Trump declared that the COVID-19 outbreak in the United States is a national emergency. That same day Governor Pete Ricketts declared that a state of emergency exists within the State of Nebraska as a result of the COVID-19 outbreak.

On March 19, 2020, the first administrative order of the County Courts of the 8th Judicial District was issued. Since that time, modified orders have been issued by the Chief Justice and this Court, and procedures have been adjusted as appropriate. Governor Ricketts has also issued and revised directed health measures across the state.

Community transmission of COVID-19 is continuing within the State of Nebraska, and cases are presently surging. The state of emergency continues to exist, and COVID-19 has directly impacted the operations of our county courts. Court personnel, attorneys, and parties have tested positive for COVID-19 or have been asked to quarantine by their local health departments. These events have interrupted the normal operation, and reduced the staffing, of our county courts. As a result, the Court has reevaluated its procedures, and finds that modifications are once again necessary.

IT IS THEREFORE ORDERED that, effective immediately, and until further order of the Court:

1. All non-evidentiary hearings for civil and probate cases which are not emergent in nature, and which do not involve statutorily mandated time limits, shall be held

via telephone or videoconference. The parties or their attorneys shall make arrangements for such hearings with the Court at least 48 hours in advance of the hearing. Hearings for civil and probate cases that are evidentiary in nature, or are otherwise considered to be emergent or which involve statutory time limits (i.e. protection orders, landlord-tenant cases, adoptions, etc.), will be scheduled accordingly. Any civil or probate case may be scheduled as provided in paragraph 5.

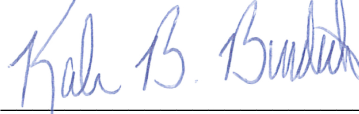
2. All non-evidentiary hearings for criminal and traffic cases may be held in-person or by telephone or videoconference. The parties or their attorneys shall make arrangements with the Court for hearings to be held by telephone or videoconference at least 48 hours in advance of the hearing. Any criminal or traffic case may be scheduled as provided in paragraph 5.
  - a. The appearance of defendants will not be required at Pre-trial Hearings.
  - b. Waivers of Preliminary Hearings shall be completed in writing.
  - c. Bond reviews may be conducted without a hearing by the written agreement of the parties, with the approval of the Court.
  - d. Settlement agreements involving a joint recommendation for a sentence of a fine may be handled by written waiver, with the approval of the Court.

Parties should contact the Court to obtain approval and a waiver form.
3. Hearings in juvenile cases will be conducted as required by statute. Such hearings will be conducted in-person, or via telephone or videoconference, at the discretion of the Court in consultation with the parties and their attorneys. Any juvenile case may be scheduled as provided in paragraph 5.
  - a. Juvenile review and permanency hearings in which there are no objections to the case plan/court report shall be conducted upon the written stipulation of the parties. Upon the filing of a written stipulation, the Court will enter any appropriate order.
4. In all case types, the use of written filings is encouraged to keep cases progressing (e.g. continuances, written denials/not guilty pleas, written requests for a Preliminary Hearing, written waiver of a Preliminary Hearing, stipulations and agreements, etc.).
5. Cases of any type may be scheduled as follows:

- a. Any non-evidentiary hearings may be heard via telephone or videoconference upon the request of any party, with the approval of the Court, or the Court may schedule non-evidentiary telephone or videoconference hearings on its own motion. Any party requesting a telephonic or videoconference hearing shall be responsible for scheduling such hearing with the Court.
  - b. Evidentiary hearings may be heard via telephone or videoconference upon the agreement of all parties, with the approval of the Court. The stipulation of the parties to conduct an evidentiary hearing via telephone or videoconference shall be filed with the Court prior to scheduling such hearing. The parties shall be responsible for obtaining the Court's approval for such hearing, and for scheduling such hearing with the Court.
  - c. In-person evidentiary hearings may be ordered and heard at the discretion of the Court.
6. Any case may be rescheduled by the Court to accommodate the Court's docket, or to be heard by telephone or videoconference. Scheduling priority will be given to criminal and juvenile cases.
  7. Attendance at in-person hearings will be limited to allow for safe distances between those persons in the courtroom. The use of masks is required in the courtroom, unless otherwise directed by the Court.
  8. Expanded news media coverage will be allowed pursuant to court rule. However, the Court may limit the number of news media personnel.

SO ORDERED this 23rd day of November, 2020.

BY THE COURT:



Kale B. Burdick, Presiding Judge

