

On January 31, 2018, the Nebraska Supreme Court adopted the following rule amendments to Neb. Rev. Code of Judicial Conduct § 5-302.5 and Appendix B, regarding case progression standards:

Article 3: Nebraska Revised Code of Judicial Conduct. (Effective January 1, 2011.)

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§ 5-302.5. Competence, diligence, and cooperation.

- (A) A judge shall perform judicial and administrative duties, competently and diligently.
- (B) A judge shall cooperate with other judges and court officials in the administration of court business.

COMMENT

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NOTE: The Nebraska Supreme Court has adopted case progression standards at Neb. Ct. R. §§ 6-101 through 6-104 ~~6-103~~, also set forth at Appendix B herein, and has adopted a rule concerning the filing of cases under advisement reports, as set forth in Appendix B, ~~subsection (D)~~ herein.

Appendix B. Case progression standards: Reports of Cases Under Advisement.

Trial or hearing on the merits of a case should be within the following time limits from date of filing:

~~(A) District court:~~

Appeals	3 months
Criminal Cases	6 months
Domestic Relations Cases	9 months
Civil Cases – Nonjury	1 year
Civil Cases – Jury	18 months

~~(B) County court:~~

Misdemeanor and Traffic Offenses – Nonjury	60 days
Misdemeanor and Traffic Offenses – Jury	6 months
Civil Cases	6 months
Preliminary Hearings	As soon as possible but no more than 30 days

~~Final disposition of probate cases should be within 1 year from filing except when a federal estate tax return is required, and, in that event, 18 months.~~

~~A longer interval may be approved where deemed necessary because of extraordinary eventualities, such as exceptionally complicated discovery, stabilization of injury in personal injury cases, or settlement of financial affairs in complex cases.~~

~~(C) Juvenile court:~~

~~(1) Notwithstanding any federal or state law providing for a longer period, the juvenile shall not be held in detention for more than 48 hours without a probable cause hearing being conducted by the appropriate judicial authority.~~

~~(2) Adjudication hearings in dependent/neglect cases under Neb. Rev. Stat. § 43-247(3)(a) should be held within 90 days of filing of the petition, except in cases with exceptional complications, in which cases adjudication should be held in 180 days. Adjudication hearings in law violation cases should be held within 180 days of filing of the petition.~~

~~(3) A disposition hearing should be held within 60 days from the date of the adjudication hearing, unless good cause is shown.~~

~~(4) Review hearings for children in out of home placements should be held, on the record, every 6 months.~~

~~(D) Case progression reports; matters under advisement.~~

~~No later than the 5th day of each month, each judge shall submit a report form with the State Court Administrator which sets forth:~~

~~(1) Whether any matter has been under advisement for more than 90 days.~~

(2) If so, the title and number of the case, the nature of the matter for decision, the date it was taken under advisement, and the reason it has not been decided.

A matter is taken under advisement on the date all evidence has been received, or if there is no evidence, the date the legal issue has been heard by the judge. Time for filing briefs is not considered.

Report of Cases Under Advisement

TO: Nebraska Supreme Court
Administrative Office of Courts/Probation

FROM: _____

County Judge

Juvenile Judge

MONTH
ENDING: _____

_____ I have no matters which have been under advisement for more than 90 days.

_____ I have matter(s) which has/have been under advisement for more than 90 days (do not include cases in which a presentence investigation has been requested but has not been received by the court; do not include cases in which a bench warrant has been issued). Provide case description below. (To report more than one case, attach additional form(s).)

Case Title: _____

Case Number: _____

Location of Hearing: _____

Date Taken Under Advisement: _____

Describe the nature of the matter for decision and the reason it has not been decided:

(Use the reverse side of this form or an additional page if needed.)

Dated this _____ day of _____, _____.

Signature

**Please submit reports no later than the 5th of each month to:
Administrative Office of Courts/Probation, P.O. Box 98910, Lincoln, NE 68509-8910**

Report of Cases Under Advisement

TO: Nebraska Supreme Court
Administrative Office of Courts/Probation

FROM: _____
District Judge

MONTH _____
ENDING: _____

_____ I have no matters which have been under advisement for more than 90 days.

_____ I have matter(s) which has/have been under advisement for more than 90 days (do not include cases in which a presentence investigation has been requested but has not been received by the court; do not include cases in which a bench warrant has been issued). Provide case description below. (To report more than one case, attach additional form.)

_____ I have appeal(s) from the county court under advisement (do not include appeals in which the transcript and/or bill of exceptions have not been filed). Provide case description below. (To report more than one case, attach additional form(s).)

Case Title: _____

Case Number: _____

Location of Hearing: _____

Date Taken Under Advisement: _____, or

Date Appeal Filed: _____

Describe the nature of the matter for decision and the reason it has not been decided:

(Use the reverse side of this form or an additional page if needed.)

Dated this _____ day of _____, _____.

Signature

**Please submit reports no later than the 5th of each month to:
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Report of Cases Under Advisement

TO: Nebraska Supreme Court
Administrative Office of Courts/Probation

FROM: _____
Workers' Compensation Judge

MONTH
ENDING: _____

_____ I have no matters which have been under advisement for more than 90 days.

_____ I have _____ matter(s) which has/have been under advisement for more than 90 days.
Provide case description below. (To report more than one case, attach additional form.)

Case Title: _____

Case Number: _____

Location of Hearing: _____

Date Taken Under Advisement: _____,

Describe the nature of the matter for decision and the reason it has not been decided:

(Use the reverse side of this form or an additional page if needed.)

Dated this _____ day of _____, _____, _____
Signature

**Please submit reports no later than the 5th of each month to:
Administrative Office of Courts/Probation, P.O. Box 98910, Lincoln, NE 68509-8910**