

On August 4, 2017, the Nebraska Supreme Court adopted the following rule amendments to Neb. Ct. R. App. P. § 2-105, § 2-111, and appendices 6 and 7 of ch. 2, art. 1, as well as appendix 2 of ch. 6, art. 14, all regarding expedited juvenile transfer appeals, effective August 24, 2017:

**CHAPTER 2: APPEALS**

**Article 1: Nebraska Court Rules of Appellate Practice.**

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**§ 2-105. Bill of exceptions, making, preserving, transcribing, and delivery of record of trial or other proceeding.**

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(B) Transcribing and Delivery of Record; the Bill of Exceptions.

....

(3) Preparation and Delivery by Court Reporting Personnel.

(a) The bill of exceptions shall be filed with the clerk of the district court as soon as possible. The bill of exceptions must be filed within the following time limits unless an extension of time is approved by the Supreme Court in accordance with these rules:

- Civil cases or criminal trials ..... 7 weeks
- Guilty or nolo contendere pleas ..... 3 weeks
- Juvenile transfer appeals ..... 3 weeks

Preparation of the bill of exceptions shall commence from the date the notice of appeal is filed with the clerk of the district court. The clerk shall serve a copy of the notice of appeal on the court reporting personnel forthwith.

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**§ 2-111. Scheduling, argument, and submission.**

(A) General. Cases are eligible for submission at any time after the appellee's brief has been filed. This rule sets out the methods of scheduling cases for submission, the various submission methods, and rules relating to oral argument.

(B) Methods of Submission on the Merits.

(1)(a) The court may order the submission of any case without oral argument. Cases to be submitted without argument may be submitted at any time after the time for filing the appellant's reply brief has expired. The Supreme Court Clerk will notify counsel both when the order that the case be submitted without argument is entered and at the time the case is actually submitted.

(b) A party may file a motion requesting oral argument upon notice of the court's order that a case is submitted without oral argument. The motion shall be filed within 7 days after the date of the minute entry submitting the case without oral argument and shall state the reasons for the request. The nonmoving party shall have 7 days after the filing of the motion to respond, at which time the motion shall be submitted to the court for consideration. The granting of the motion shall be at the court's discretion.

(2) Cases which are advanced are scheduled for oral argument as soon as the appellee's brief is due to be filed, ~~except that appeals in juvenile cases not involving Neb. Rev. Stat. § 43-247(1), (2), or (4) are scheduled for oral argument as soon as the appellant's brief is scheduled to be filed.~~ The following categories of cases will be advanced without motion:

- (a) Criminal cases;
- (b) Workers' compensation cases;
- (c) Unemployment compensation cases;
- (d) Questions certified by other courts;
- (e) Original actions;
- (f) Appeals involving custody of minor children;
- (g) Appeals within original concurrent jurisdiction of the court;
- (h) Cases where a "case stated" has been prepared and filed by the parties;
- (i) Appeals from the Tax Equalization and Review Commission;
- (j) Appeals from the Department of Natural Resources; ~~and~~
- (k) Appeals involving guardianship and/or conservatorship; and
- (l) All juvenile cases, including orders granting or denying juvenile transfers.

(3) In all other cases, either party may file a motion with the court requesting that the case be advanced for argument. A party seeking an advancement of oral argument shall file a showing in support of said motion setting out the reasons said case should be advanced for oral argument. To ensure proper scheduling, attorneys are requested to notify the Supreme Court Clerk by letter if the case should be advanced and advancement is not obvious.

(4) Cases which are not advanced are scheduled in the order in which the briefs of the appellee are filed, not in the order in which the cases were docketed. Nonadvanced cases are scheduled in the argument slots remaining after scheduling advanced cases.

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**CERTIFICATE OF  
CRIMINAL APPEAL**

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

Trial Court No. \_\_\_\_\_

**CERTIFICATE OF CRIMINAL APPEAL**

**STATE OF NEBRASKA,**

Plaintiff,

vs.

\_\_\_\_\_,  
Defendant.

Attorney: \_\_\_\_\_ Bar No \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Attorney: \_\_\_\_\_ Bar No \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

I certify that the attached are true and accurate copies of pleadings filed in the above-captioned criminal case.

Type of plea:

- not guilty (trial held)      OR       guilty or nolo contendere
- to jury
- to judge

Type of case:

Origin of case:

- felony       County Court (appeal to District Court)
- misdemeanor       District Court
- postconviction       Other \_\_\_\_\_
- plea in bar
- juvenile transfer
- other

Notice of appeal directed to:

- Court of Appeals      OR       Supreme Court

Statutory authority:

- Death sentence
- Life imprisonment
- Constitutionality of statute
- Other (specify statute) \_\_\_\_\_

Notice of appeal filed on \_\_\_\_\_.

Statutory docket fee paid on \_\_\_\_\_; **or**

poverty affidavit filed on \_\_\_\_\_.

Cost bond in the amount of \$ \_\_\_\_\_ posted on \_\_\_\_\_.

Cash in lieu of cost bond in the amount of \$ \_\_\_\_\_ posted on \_\_\_\_\_; **or**

supersedeas bond in the amount of \$ \_\_\_\_\_ posted on \_\_\_\_\_.

All motions for new trial have been disposed of:

- Yes. Date: \_\_\_\_\_
- No.
- No motions for new trial filed.

Date: \_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
Clerk of District Court

By: \_\_\_\_\_

**CERTIFICATE OF JUVENILE APPEAL**

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, NEBRASKA  
(County or Separate Juvenile)

THE STATE OF NEBRASKA  
IN THE INTEREST OF:

Case # \_\_\_\_\_

**CERTIFICATE OF JUVENILE APPEAL**

\_\_\_\_\_  
Juvenile

I certify that the attached are true and accurate copies of pleadings filed in the above-captioned case.

This is a juvenile case involving:  Criminal  Juvenile Transfer  
 Adjudication/Termination

Notice of appeal directed to:  Court of Appeals OR  Supreme Court

Statutory authority:  Constitutionality of statute  
 Other (specify statute) \_\_\_\_\_

The notice of appeal was filed on: \_\_\_\_\_

The statutory docket fee was paid on: \_\_\_\_\_; or

a poverty affidavit was filed on: \_\_\_\_\_

All motions for new trial have been disposed of:

- Yes. Date: \_\_\_\_\_
- No.
- No motions for new trial filed.

Date: \_\_\_\_\_

(seal)

\_\_\_\_\_  
Clerk Magistrate/ Clerk of the District Court

By: \_\_\_\_\_

Appendix 7 (Neb. Ct. R. – Chapter 2, Article 1)

Appendix 7 Effective December 21, 2016

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

Case # \_\_\_\_\_

**CERTIFICATE OF CIVIL APPEAL**

\_\_\_\_\_  
Plaintiff

VS.

\_\_\_\_\_  
Defendant

Attorney: \_\_\_\_\_ Bar No \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Attorney: \_\_\_\_\_ Bar No \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

I certify that the attached are true and accurate copies of pleadings filed in the above-captioned case.

The case is a civil case originating in the County Court:

- |                                   |  |  |
|-----------------------------------|--|--|
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Inheritance Tax | <input type="checkbox"/> Juvenile <u>Transfer Appeal</u> |
|                                   | <input type="checkbox"/> Probate         |  |
|                                   | <input type="checkbox"/> Guardianship    |  |

Notice of appeal directed to:

- Court of Appeals    OR     Supreme Court
- Statutory Authority: \_\_\_\_\_
- Constitutionality of statute

Notice of appeal filed on \_\_\_\_\_.

Statutory docket fee paid on \_\_\_\_\_; or

poverty affidavit filed on \_\_\_\_\_.

All motions for new trial have been disposed of:

- Yes. Date: \_\_\_\_\_
- No
- No motions for new trial filed.

Date: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Clerk Magistrate

By: \_\_\_\_\_

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, NEBRASKA  
(County or Separate Juvenile)

### CERTIFICATE OF JUVENILE APPEAL

IN THE INTEREST OF:

Case # \_\_\_\_\_

\_\_\_\_\_  
Juvenile

#### List of Parties

Name, Relationship:

Name, Address, (Representing):

Name, Relationship:	Name, Address, (Representing):