

On April 16, 2025, the Nebraska Supreme Court approved the following rule amendments to the Rules of the County Court of the Eighth Judicial District:

Rules of the County Court of the Eighth Judicial District

Rule 8-1. Appointment of Counsel in Criminal and Juvenile Cases

A. Purpose: This rule is to establish a process for the appointment of private attorneys to represent indigent defendants in criminal cases as provided in Neb. Rev. Stat. §§ 29-3901 to 29-3908, as well as juveniles, young adults, and parents in juvenile cases as provided in the Nebraska Juvenile Code.

B. Applicability: This rule shall not apply to ~~criminal~~ proceedings in which the Court appoints the Public Defender or the Nebraska Commission on Public Advocacy.

~~C. General:~~

~~(1) Appointments of private attorneys shall be made on an impartial and equitable basis;~~

~~(2) The appointments shall be distributed among the attorneys on a rotation system;~~

~~(3) Cases shall be assigned to attorneys of sufficient experience, skill, and competence to render effective assistance of counsel to defendants;~~

~~(4) Complex cases shall be assigned to attorneys with sufficient levels of experience and competence to provide adequate representation; and~~

~~(5) Less experienced attorneys should be assigned cases which are within their capabilities, but should be given the opportunity to expand their experience under supervision.~~

~~C.D. Court-Appointed Attorney List:~~

(1) Each County Court shall maintain a court-appointed attorney list from which attorneys shall be appointed to represent indigent defendants in criminal cases and juveniles, young adults, and parents in juvenile cases.

(2) Attorneys shall contact the County Court of each county in which they wish to be considered for court appointments, request the Clerk Magistrate to place them on the

court-appointed attorney list, and indicate whether they will accept misdemeanor, ~~and/or~~ felony, ~~and/or~~ juvenile court appointments. Attorneys shall also contact the County Court when they no longer wish to receive court appointments.

(3) The County Court shall make the court-appointed attorney list ~~list of attorneys~~ available upon request.

D.E. Method of Selection From Court-Appointed Attorney List:

(1) The Court will generally attempt to appoint attorneys from the court-appointed attorney list on a rotational basis, subject to the Court's sole discretion to make exceptions due to:

- (a) the nature and complexity of the case;
- (b) an attorney's experience;
- (c) the nature and disposition of the defendant, juvenile, young adult, or parent;
- (d) a language consideration;
- (e) a conflict of interest;
- (f) the availability of an attorney, taking into consideration an immediate need to address issues involved in the case;
- (g) geographical considerations; and
- (h) other relevant factors that may be involved in a specific case.

(2) If the Court in its sole discretion varies from the rotation basis, it may appoint any qualified attorney, whether or not the attorney is on the court-appointed attorney list.

E.F. Removal and Reinstatement From Court-Appointed Attorney ~~Appointment~~ List:

(1) Judges will monitor attorney performance on a continuing basis to ensure the competency of attorneys on the list. An attorney may be removed from a County Court's court-appointed attorney ~~the appointment~~ list by a ~~majority vote of the county court judge~~ assigned to preside in such county. ~~judges.~~

(2) If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns with the attorney's performance giving rise to consideration for removal, and the attorney will be given the opportunity to respond in writing or in person before a final decision is made.

(3) An attorney who has been removed from the list may be considered for reinstatement ~~by a majority vote of the judges~~, after the deficiencies contained in the notice have been resolved.

Rule 8-2. Remote Hearings ~~County Court Rules for Remote Hearings of the Eighth Judicial District~~

~~A. All hearings shall be conducted in person, unless otherwise provided.~~

~~B. All remote hearings are subject to the approval of the Court.~~

~~C. All remote hearings will be on the record, except the parties may waive a verbatim record in non-evidentiary hearings. Remote hearings shall be consistent with the public's access to the courts.~~

~~D. Non-evidentiary Hearings.~~

~~1. A party may request to schedule a remote hearing when no evidence will be offered by any party. To request a remote hearing, the movant shall:~~

~~a. File a Motion for Remote Hearing with a Proposed Order;~~

~~b. Certify within the motion that all parties consent to the remote hearing; and~~

~~c. Certify within the motion that no parties will offer evidence.~~

~~2. A party may request to appear by remote technology at non-evidentiary hearings that were not originally scheduled to be heard remotely. To request a remote appearance, the movant shall:~~

~~a. File a Motion to Appear Remotely with a Proposed Order;~~

~~b. File the motion at least 3 business days prior to the hearing;~~

~~e. Certify within the motion that the movant will not offer evidence at the hearing; and~~

~~d. Contact the appropriate clerk/bailiff for hearing arrangements at least 3 business days prior to the hearing.~~

~~E. Evidentiary Hearings Not Involving Oral Testimony.~~

~~1. The Court may, on its own motion, order proceedings not involving the testimony of witnesses by oral examination, to be held using remote technology consistent with Neb. Rev. Stat. § 25-2704(2).~~

~~2. The parties may request a remote evidentiary hearing that does not involve the testimony of witnesses by oral examination. The parties must contact the Court to discuss the reasonableness of conducting said hearing remotely.~~

~~3. If allowed, the Court will issue orders governing procedures and requirements of the parties prior to, during, and after the hearing.~~

~~4. Hard copies of the original exhibits and electronic copies of the exhibits must be provided to court reporting personnel at least 3 business days prior to the hearing or they will not be admitted.~~

~~F. Evidentiary Hearings Involving Oral Testimony.~~

~~1. Permission to conduct evidentiary hearings that involve oral testimony will only be granted under extraordinary circumstances.~~

~~2. If allowed, the Court will issue orders governing procedures and requirements of the parties prior to, during, and after the hearing.~~

~~G. The party requesting the remote hearing or appearance shall be responsible for making the arrangements for the remote hearing and shall provide for all expenses.~~

~~H. Uniform District Court Rule 6-1511, "Attire," or Uniform County Court Rule 6-1402, "Attendance and attire," shall apply respectively to court proceedings conducted by remote technology.~~

~~1. The above requirements may be waived for good cause.~~

A. General Conduct.

(1) All hearings shall be conducted in person unless otherwise provided.

(2) All remote hearings are subject to the approval of the court and shall be consistent with the public's access to the courts and as provided by Neb. Rev. Stat. § 25-2704(2).

(3) These rules regarding remote hearings may be waived by the court.

(4) All remote hearings shall be on the record unless otherwise provided. The parties may waive a verbatim record for any non-evidentiary hearing as allowed by Neb. Rev. Stat. § 25-2704(2) and the Rules of Appellate Practice, § 2-105(A)(1).

(5) The party requesting a remote hearing shall be responsible for making all arrangements which will allow all opposing parties to appear and shall bear all expense for the same.

(6) Uniform County Court Rule § 6-1402 regarding attire shall apply to remote hearings.

B. Non-evidentiary Hearings.

(1) A party may request a remote hearing when no evidence will be offered by any party.

To request a remote hearing, the moving party shall:

(a) File a motion and notice of remote hearing, with a proposed order, at least 5 days prior to the scheduled hearing, certifying that all parties consent to the remote hearing and that no evidence will be offered at the hearing.

(b) The moving party shall make all arrangements for the participation of the court and opposing parties at the hearing.

(2) A party may request to appear remotely at a non-evidentiary hearing not originally scheduled as a remote hearing. If a request to appear remotely is desired, the moving party shall:

(a) File a motion, at least 3 days prior to the hearing, with a proposed order allowing the same;

(b) Certify in the motion that the moving party will not offer evidence;

(c) Contact the appropriate court clerk/bailiff/court reporter to obtain a hearing time; and

(d) Contact the court at the scheduled hearing time.

C. Evidentiary Hearings Not Involving Oral Testimony.

(1) The court, on its own motion, may order proceedings not involving the testimony of witnesses by oral examination to be held using remote technology.

(2) A party may request a remote evidentiary hearing that does not involve testimony of witnesses by oral examination. To request a remote hearing, the moving party shall:

(a) File a motion for remote hearing at least 7 days prior to the hearing; and

(b) Certify in the motion that all parties consent to the remote hearing.

(3) If a remote evidentiary hearing involving only documentary evidence is allowed, the party offering documentary evidence shall provide electronic copies of the exhibits in PDF format to the court reporter and all other parties at least 2 business days before the hearing. Failure to comply with this requirement may result in the court refusing to receive such exhibits upon offer.

(4) The court may issue additional orders governing procedures and requirements for each individual hearing.

D. Evidentiary Hearings Involving Oral Testimony.

(1) Any remote hearing involving oral testimony will only be granted upon prior approval of the court based upon extraordinary circumstances.

(2) The party requesting such hearing shall make arrangements to confer with both the court and opposing counsel/parties to discuss orders governing the procedures for such hearing.

Rule 8-3. Emergency Modified Court Operations Rule

This rule sets out the procedures governing emergency modified court operations in the Eighth Judicial District.

A. Emergency modified court operations will be implemented when an emergency exists, arises, or is declared that substantially impairs the ability of the court to operate or that jeopardizes the health and safety of persons who work in or utilize the courts.

B. The decision to implement emergency modified court operations as well as the decision to resume normal operations will be determined by majority vote of the county and district judges of the district. Any judge of this district may call the matter for a vote.

C. In addition to the judges, the stakeholders within the district that may be included in the planning and implementing of emergency modified court operations are: Clerks of the District Court, Clerk Magistrates, Bailiffs, Court Reporters, Probation Officers, County Sheriffs, County Commissioners/Supervisors, County Attorneys, Public Defenders, Local Health Departments, Emergency Management, and Nebraska Department of Health and Human Services.

D. It will be the duty of the presiding judges of the County Court and District Court to coordinate and facilitate communications with the stakeholders to plan and implement emergency modified court procedures.

E. The following mission essential functions shall be addressed in any administrative order implementing emergency modified court procedures:

(1) County Court: protection orders, evictions, emergency guardianship or conservatorship proceedings, change of pleas, bond settings and hearings, arraignments, preliminary hearings, adoptions, protective custody hearings, detention hearings, motions for ex parte orders.

(2) District Court: protection orders, bond reviews, change of pleas, sentencings, motions for ex parte and other temporary hearings, motions for temporary restraining orders and temporary injunctions.

F. The Presiding Judges shall inform Court users and the public when emergency modified court operations are implemented and when they are discontinued in the following manner (subject to availability):

- (1) Preparing and issuing a press release to local media outlets;
- (2) Placing notices on websites and social media accounts;
- (3) Posting notices at the entrances to the county courthouses/judicial centers, and
- (4) Using electronic communications.

~~Rules for Expanded Media Coverage in the Nebraska County Court of Judge Alan Brodbeck within the 8th Judicial District~~

~~In the discretion of the Judge Alan Brodbeck, courtroom proceedings may be broadcast, both by audio and video, and may be televised, recorded, or photographed (hereafter collectively referred to as “broadcast”) under the following conditions:~~

~~(1) On an interim basis, these rules regarding expanded media coverage apply only to proceedings over which Judge Brodbeck is presiding,¹¹ taking place within the 8th Judicial District of the State of Nebraska.~~

~~(2) Only members of the media as defined below shall be permitted to record, televise, photograph, or otherwise broadcast those proceedings set out below.~~

~~Media is defined as a representative of a radio or television station licensed by the Federal Communications Commission or a reporter/photographer member of the Nebraska Press Association.~~

~~(3) The trial judge overseeing the proceeding sought to be broadcast, recorded or photographed retains sole and complete discretion to terminate the broadcast, recording or photography (without explanation or warning) at any time during such proceeding.~~

~~(4) Cameras and sound equipment of a quality and type approved by the judge presiding in the case will be fixed in place in the courtroom with field of view of the camera and field of range of microphones being approved by the judge. Still cameras require separate approval. Other than the cameras identified herein, no other camera will~~

be permitted in the courtroom, including a cell phone camera and any other digital recording device equipped to take photographs or video recordings.

(5) The audio broadcast shall include only the statements made in open court and shall not include communications between counsel, between counsel and their clients or bench conferences between counsel and the court.

(6) Under no circumstances shall images of, or statements from, jurors be broadcast, recorded, televised, photographed or otherwise broadcast.

(7) Jury selection will not be broadcast.

(8) The following cases will not be broadcast: matters involving grand juries, juvenile court proceedings, any proceeding of a juvenile (persons under 18 years old),ⁱⁱⁱⁱ child custody, parenting time, protection orders, and any other cases that the judge may determine.

(9) The testimony of certain witnesses may not be broadcast. Those witnesses are as follows: persons under age 18,ⁱⁱⁱⁱ a person who claims to be a victim of sexual abuse or sexual assault who will be called upon to testify about the abuse or assault, undercover agents, relocated witnesses or a confidential informant whose testimony is about the matter upon which the person informed. Any witness may make a request to prevent that person's testimony from being recorded or broadcast by making application to the judge presiding over the proceeding indicating the reason the witness does not want his or her testimony broadcast.

(10) Upon application of any party or counsel, the court may, in its sole and complete discretion (and without further explanation), determine not to broadcast courtroom proceedings or terminate the broadcast of courtroom proceedings.

(11) Upon application at least 7 days in advance of a scheduled hearing that may be broadcast, the court may, in its sole and complete discretion (and without further explanation), permit other types of broadcast or recording equipment in the courtroom.

The images and sound produced from the courtroom will be available to any broadcast media licensed by the Federal Communications Commission and any print media published in the State of Nebraska on a pool basis.

~~The overriding principle shall be the guarantee of a fair trial to the litigants. Criteria may change from time to time based on factors which the court has not yet considered and the circumstances of individual cases.~~

~~[i] Typically, these would include all county court proceedings within the 8th Judicial District of the State of Nebraska over which Judge Alan Brodbeck is presiding.~~

~~[ii] This includes juvenile court proceedings, adoptions, guardianship/conservatorship proceedings in which a juvenile is the ward or protected party and portions of proceedings in which a juvenile is a witness or victim and has been called to the stand to testify.~~

~~[iii] If the witness or victim is under the age of 18 years old but has been emancipated by a prior order of a court of competent jurisdiction in this, or any other State, then such witness or victim will not be considered a juvenile for purposes of this exclusionary rule. Such a witness or victim may qualify for "exclusion" under this rule for another stated reason (i.e., emancipated minor as victim of sexual abuse or assault).~~