

On April 13, 2022, the Nebraska Supreme Court approved the following new rule of the Rules of the District Court of the 11th Judicial District, specifically “Rule 11-17. Modified Court Operations 11th Judicial District”:

**District 11**

**Rules of the District Court of the 11th Judicial District**

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**Rule 11-17. Modified Court Operations 11th Judicial District**

Modified Court Operations are court operations for both District and County Courts during any time the Courts determine Modified Court Operations are necessary to preserve the health or protect the safety of any person. Modified Court Operations shall be governed by the following rules:

1. IMPLEMENTATION. Modified Court Operations shall go into effect upon the promulgation of a Directed Health Measure,<sup>1</sup> mandates by Federal, State, or Local Government, or upon the majority vote of the current District and County Judges of the 11th Judicial District whenever it is deemed necessary for the health, protection, and safety of any persons. Modified Court Operations shall cease and normal court operations shall resume upon the majority vote of the current District and County Judges of the 11th Judicial District.

2. STAKEHOLDERS. Stakeholders identified to be involved in the implementation and planning of Modified Court Operations may include the following: County Board, Local Law Enforcement, County Attorney’s Office, Public Defender’s Office, Eleventh Judicial Bar Association, Local Public Health Department, Probation, County and District Clerks, Clerk Magistrates, Emergency Management, District and County Court Staff.

3. POINT PERSON. The Presiding District Court Judge and Presiding County Court Judge shall be responsible for coordinating and facilitating all

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<sup>1</sup> A directed health measure is any measure, promulgated by any public health district or the Department of Health and Human Services, whether prophylactic or remedial, intended and directed to prevent or limit the spread of communicable disease or prevent or limit public exposure to or spread of biological, chemical, radiological, or nuclear agents.

communication regarding implementation of the Modified Court Operations with the Stakeholders and providing Notices.

4. NOTICES. Notice of change of such operations shall be made available to the public by posting at each Courthouse, email to local bar association, available media outlets, web sites, State social media outlets, and other means determined by the Presiding Judges as most likely to reach the general public and court users. Any order issued to implement or enforce the Modified Court Operations shall be filed in the offices of the county and district courts affected by the modified operations and shall be entered on the journal of the courts.

5. ESSENTIAL FUNCTIONS. During all times of Modified Court Operations, the Court shall modify operating procedures to address safety concerns of persons who work in or utilize the Courts while ensuring that all essential functions of the Court continue. Essential Functions include, but are not limited to: custodial criminal proceedings, protection orders, receipt of mail and filings, criminal warrants (excluding time payment warrants), juvenile custodial cases, receipt of financial payments, processing of appeals, habeas corpus proceedings, extradition proceedings, ex-parte custody orders and emergency placement orders, landlord/tenant cases, probate and adoption cases, probable cause affidavits, civil and criminal jury trials, search warrants, injunctions, mental health board proceedings, competency hearings.

6. During periods of Modified Court Operations, only hearings the judge deems to be emergency in nature shall be conducted in person. All other cases shall be continued or heard remotely.

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