

On April 13, 2022, the Nebraska Supreme Court approved the following new rule of the Rules of the District Court of the First Judicial District, specifically “Rule 1-21. Modified Operating Procedures for the First Judicial District”:

District 1

Rules of the District Court of the First Judicial District

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Rule 1-21. Modified Operating Procedures for the First Judicial District

The following rule is adopted by the District and County Courts of the First Judicial District for Modified Operating Procedures effective January 1, 2022.

A. Purpose: This rule is to establish a procedure for determining when Modified Operating Procedures shall be implemented and what those procedures shall be.

B. Applicability: These procedures are to be followed only upon a determination that normal operating procedures are not possible.

C. When does implementation occur?: Implementation of Modified Operating Procedures shall occur upon a determination by the presiding Judges of the District and County Court of the First Judicial District.

(1) Implementation shall occur upon mandates by Federal, State, or Local Government or upon determination by the District and County Court Judges after consulting with local stakeholders.

(2) Local stakeholders shall include but not be limited to the following: First Judicial District Judges, County and District Court Clerks and Clerk Magistrates, County Board, Local law enforcement (Chief of Police and Sheriff), County Attorney’s Office, Public Defender’s Office, Local Health Boards, Probation, Corrections, and Local County Bar Association.

(3) 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.

D. Notice: Notice of implementation of Modified Operating Procedures shall be by posting on the entry doors of the affected Courthouse(s), local media outlets, web sites, and any other means as determined by the Presiding Judges.

E. Modified Operating Procedures:

(1) Upon interruption of normal operating procedures by pandemic, natural disaster or any other unforeseen circumstance, the Court shall proceed to modify its operating procedures to ensure that all essential functions of the Court continue:

(2) Essential functions shall include the following:

(a) All Custodial Criminal proceedings;

(b) Protection Orders;

(c) Receipt of all filings.

(d) Criminal warrants (not to include time payment warrants).

(e) Juvenile intakes.

(f) Receipt of financial payments.

(g) Processing of appeals.

(h) Habeas Corpus proceedings.

(i) Statutorily mandated proceedings.

(j) Emergency Ex-Parte Custody Orders and Emergency Placement Orders.

(k) Any other matters deemed essential upon determination by the Presiding Judges of the District.

(3) The Presiding Judges of the County and District Courts of the First Judicial District shall develop protocols and procedures to allow the Courts to carry on essential functions. Those may include the following:

(a) Use of virtual proceedings, i.e., (Web-ex, Zoom, etc.).

(b) Relocation of the Actual Court Rooms.

(c) Alternative filing methods.

(d) All other protocols deemed necessary by the Presiding Judges to carry on essential functioning.

F. Notification: Notification of these protocols shall be by posting, e-mail, and any other methods available to ensure notice to Parties, Counsel, and the public.

G. Return to Normal Operating Procedures: The Presiding Judges of the District shall be responsible for determining when the Courts return to normal operating procedures. Notice shall be provided as mentioned above to inform parties, counsel, and the public of the return to normal functioning.

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