

On February 22, 2023, the Nebraska Supreme Court approved the following new local district court rule, specifically “Rule 2-13. District Court Remote Hearing Rules of the Second Judicial District”:

District 2
Rules of the District Court of the Second Judicial District

....

Rule 2-12. [Reserved]

Rule 2-13. District Court Remote Hearing Rules of the Second Judicial District

A. It shall be presumed that all court proceedings in the District Court of the Second Judicial District will be conducted in person. However, in the event the courtroom has the necessary technology, court proceedings may be conducted by telephone, videoconferencing, or similar methods (“remote technology”) as follows:

(1) In its discretion, the Court may permit a non-evidentiary hearing be conducted by remote technology.

(2) By agreement of the parties who have entered an appearance and with permission of the Court, any evidentiary hearing may be conducted by remote technology.

(3) In any civil case involving testimony of witnesses by oral examination where the parties disagree regarding the use of remote technology for a witness or witnesses, the parties shall avail themselves of the procedure set out in Neb. Rev. Stat. § 24-734(5).

(4) If Emergency Modified Court Operations are in effect, the administrative orders authorized under Local Rule 2-12 of the Second Judicial District and issued by this respective court shall govern the use of remote technology for court proceedings.

B. To schedule a court proceeding that is to be conducted by remote technology, the parties shall contact the Court’s bailiff at least 5 days prior to the hearing to receive instructions on how they shall proceed. The notice of hearing shall clearly state in bold print that the hearing will be held by remote technology. The parties requesting that the hearing be held remotely shall be responsible for making the arrangements for the hearing and for any expenses.

C. For court proceedings conducted by remote technology, a party intending to offer exhibits shall provide the exhibits to the court reporter and all opposing parties 48 hours prior to the hearing, or as otherwise provided by law or the local court rules.

D. This Rule is meant to be consistent with Neb. Rev. Stat. §§ 24-303(2) and 24-734(3) through (5).

E. Supreme Court Rules governing courtroom decorum shall apply to court proceedings conducted by remote technology. Specifically, hearings held by a videoconference shall be conducted as if they were occurring in Court. Counsel and litigants shall remain muted unless directed otherwise by the Court. Proper attire and behavior are expected. Eating is prohibited during the hearing. Counsel and parties shall not conduct other business during the hearing. Unless using a cell phone for the hearing, it shall be silenced. The only people in the room shall be counsel, their client, and potentially a witness. No pets shall be in the room from where a videoconference is being conducted. Audio and video recording of the hearing is strictly prohibited.

F. If the Court determines the quality of the remote hearing is not adequate for a full and fair hearing of the issues, the hearing will be rescheduled to a later date with counsel and the parties appearing in court.

....