

On September 21, 2022, the Nebraska Supreme Court approved the following rule amendments to the Rules of the District Court of the Fourth Judicial District:

District 4

Rules of the District Court of the Fourth Judicial District

Scope and Effective Date

These rules for the ~~district court of~~ District Court of the Fourth Judicial District shall become effective upon approval by the Supreme Court ~~and publication in the Nebraska Advance Sheets and shall supplement the Uniform District Court Rules of Practice and Procedure adopted by the Supreme Court.~~, and such approved rules shall be published on the Nebraska Judicial Branch website consistent with the Nebraska Supreme Court Rules.

Rule 4-1. Organization of Court

A. Presiding Judge. The presiding judge, elected each year at the annual or special meeting of judges, shall supervise the administration of the court.

B. Assignments. By majority vote of all the judges, any assignment of the presiding judge affecting the entire court may be reviewed at a special meeting of the judges called for that purpose, and by majority vote of all the judges, an assignment by the presiding judge may be changed.

C. Term of Court. Effective July 1, 2023, ~~The~~ regular term of the court shall be deemed to commence on July~~January~~ 1 of each calendar year, and shall be deemed to conclude on June 30~~December 31~~ of the following ~~same~~-calendar year. No order opening or closing such term shall be required.

Rule 4-2. Pleadings

A. Identification. Each pleading filed with the Clerk of the District Court and each order submitted for judicial action must be specifically identified by type, e.g., Motion (Continuance); Motion (To Compel Response To Discovery Request); Motion (Temporary Allowances); Motion (To Suppress Evidence); Order (Summary Judgment); Order (Show Cause--Contempt). The caption of each complaint or amended complaint in a civil action shall state whether the action is one at law or in equity.

B. ~~Pretrial and Posttrial~~ Motions.

1. Unless otherwise ordered by the court, all ~~pretrial and posttrial~~ motions or similar filings ~~such as special appearances~~ which require a hearing shall be filed in the case prior to the scheduled hearing. At the time of making said filing, the party shall obtain a date

for hearing thereon from the judge in charge of the case or, in the absence of the judge or at the judge's direction, from a member of the judge's office staff. Timely notice of said hearing shall be ~~personally delivered or mailed to~~ served on the opposing party. ~~Except as may be otherwise specifically required by statute or rule of the Supreme Court, use of ordinary mail shall constitute sufficient service of any notice required by this or any other of these local rules.~~ All motions or similar filings shall contain a certificate by the serving party of how the opposing party was notified. When a document is electronically filed via the court-authorized service provider, the provisions of Neb. Ct. R. § 2-205 shall control.

2. The court may, in its discretion and in accordance with Neb. Rev. Stat. §§ 24-303(2) and 24-734(5)(a) (Cum. Supp. 2020), receive evidence and hear oral argument on any motion or similar filing by telephonic, videoconferencing, or other similar methods. ~~telephone conference, provided that all conversations of all parties are audible to all persons present. A party shall schedule such telephone calls at a time mutually agreeable to all parties and the court. The court may direct which party shall pay the cost of the telephone calls.~~

~~3.C.~~ Continuances Or Additional Time To Plead. Motions or applications for continuance of any matter shall state the reasons a continuance should be granted and must be filed before the time set for the matter sought to be continued. Except where unusual circumstances require, no more than one continuance may be granted. Stipulations for continuances shall be subject to the approval of the court. All continuances shall be to a date certain and stated in the order granting the same, unless otherwise ordered by the court. No order granting a continuance shall be made *ex parte*. In the event such motion or application fails to show that the motion has been agreed upon, it shall be set for hearing in the same manner as any other motion.

4. Motions to Compel. On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

~~C.D.~~ Court Case Management System Computer Data Base. The Clerk of the District Court and Court Administrator shall each be responsible for compiling and adding keying into the computer data base the attorney identification numbers and the file information for each case, and for keeping attorney information the data base current in the Court Case Management System.

~~D.E.~~ Pleadings In Default. A party in default of a pleading may, before judgment on motion, notice, and good cause shown, file the same within such time and upon such terms as the court may order.

~~E.F.~~ Amendments to Pleadings. Amendments to pleadings after the answer is filed may be allowed within the discretion of the court. In no instance shall an amendment of a pleading be made by erasure, substitution, interlineation, or otherwise ~~except by leave of the court~~. A party who has obtained leave to amend a pleading, but fails to do so within the time limited, shall be considered as electing to abide by his former pleading. In no case of amendment shall the original pleading be obliterated or withdrawn from the files.

~~F.G.~~ Costs. Except for criminal cases and proceedings wherein a ~~poverty affidavit~~ an order sustaining an affidavit to proceed in forma pauperis is filed, court costs shall be paid when actions are commenced and thereafter when liability for additional costs accrues. An attorney or self-represented litigant is responsible to the ~~clerk~~ Clerk of the District Court for costs incurred at the attorney's or self-represented litigant's request and shall immediately pay the same upon receipt of the ~~eClerk's~~ statement of such fees.

~~H.~~ Interrogatories. In civil actions, ~~not more than fifty (50) interrogatories, including subquestions, may be served on an adverse party without leave of court.~~

~~I.~~ Proof Of Service Of Papers. ~~Except as otherwise provided by statute or by order of the court, proof of service of any pleading, motion, or other paper required to be served shall be made by: (1) a certificate showing the name and address of any party on whom service was had; (2) written receipt of the opposing party; (3) affidavit of the person making service; (4) return of the county sheriff; or (5) other proof satisfactory to the court. Failure to make proof of service will not affect the validity of the service, and the court may at any time allow the proof of service to be amended or supplied unless it clearly appears that to do so would result in material prejudice to substantial rights of any party affected thereby.~~

Rule 4-3. Domestic Relations Cases

A. Contested Custody. Whenever a party in a domestic relations case determines that custody of a minor child will be genuinely contested, the court shall be informed thereof in order that appointment of a guardian ad litem for the minor child may be promptly considered.

B. Child Support Referee Exceptions.

1. Contempt matters that involve immediate jail sentences shall be taken without delay to the duty judge of the District Court from a hearing before a Child Support Referee. The duty judge shall enter an order affirming or denying the findings and recommendations of the Referee.

2. All other Exceptions to the findings and recommendations of the Child Support Referee shall be filed with the District Judge assigned to the case pursuant to Rule 4-12A. The Exception must be filed within fourteen days of the filing of the Referee's Report. A copy of the Exceptions shall be served upon the opposing party and counsel. The

assigned District Judge shall conduct a review on the Referee's Report and the transcript of the hearing. The review shall be de novo on the record before the Child Support Referee, unless the District Court in its discretion allows the presentation of new evidence. The District Judge has the discretion to ratify or modify the Referee's Report and enter judgment, or the District Judge may sustain the Exception and enter judgment. The rights to move for rehearing and to appeal are reserved to all parties.

The party filing the exceptions shall promptly deliver a copy of the exceptions to the courtroom to which the matter has been assigned.

~~Except for contempt matters taken without delay to the duty judge of the district court from a hearing before a child support referee, exceptions to the findings and recommendations of the referee shall be filed, along with a demand for a hearing before the district court, within fourteen (14) days of the filing of the referee's report. A copy of the exception(s) and a notice of further hearing before the district court judge to whom the matter has been assigned pursuant to Rule 4-12 A shall be served upon the opposing party or parties and counsel. Upon receiving the findings and recommendations of the referee, and a transcript of the hearing, the district court shall conduct a review on the report of the referee and, in the court's discretion, may ratify or modify the recommendations of the referee and enter judgment based on such recommendations, with the rights of appeal and to move for rehearing reserved to all parties.~~

~~The party filing the exceptions shall promptly deliver a copy of the exceptions to the courtroom to which the matter has been assigned pursuant to Rule 4-12 A.~~

C. Assignment of Cases: Post-Decree Proceedings. All post-decree proceedings presented for filing within twelve (12) months after the entry of the initial dispositive decree in a domestic relations case shall be assigned to the judge to whom the case was originally assigned at the time of the filing of the action. Post-decree proceedings presented for filing after the passage of twelve (12) months from the entry of the original dispositive decree shall be assigned to a judge by random selection through use of such computerized or manual means as may be designated by the presiding judge. No post-decree proceeding shall be reassigned until the 30-day time for appeal has passed.

D. Confidential Information. No document filed in the public record of a case shall have complete vehicle identification numbers, account numbers, Social Security numbers, dates of birth, or other personal identification information. Real estate shall be described by legal description in addition to street address.

E.D. Mediation.

1. A domestic-relations matter involving children includes filings for dissolution of marriage and determination-of-paternity cases which involve issues of custody, parenting time, visitation, or other access with a child. Within ten (10) days of filing a complaint in a domestic-relations matter involving children, the filing party shall be required to

register with the Conciliation and Mediation Services Office and schedule that party's attendance at the parent-education program "What About The Children." Within ten (10) days of service of process on the respondent, the respondent shall likewise be required to register with the Conciliation and Mediation Services Office and schedule that party's attendance at the parent-education program "What About The Children." Prior to the entry of any order awarding temporary relief, the moving party shall certify that that party has registered with the Conciliation and Mediation Services Office.

The parties to motions to compel existing orders which involve parenting issues; applications to modify decrees of dissolution which involve parenting issues; and applications to modify decrees of paternity which involve parenting issues shall be subject to the requirements of this rule and shall be required to attend the parent-education program "Reach Beyond Communication Skills For Parents In Conflict," unless all issues are resolved by agreement and entry of a stipulated order. Participation in either course may be delayed or waived by the court for good cause shown. Failure or refusal by any party to participate in such a course as ordered by the court shall not delay the entry of a final judgment or an order modifying a final judgment in such action by more than six (6) months and shall in no case be punished by incarceration.

Each party shall be responsible for the costs of attending either parenting education course. The court may waive or specifically allocate costs between the parties for their required participation in the course. At the request of any party, or based upon screening or recommendation of an attorney or mediator, the parties shall be allowed to attend separate courses or to attend the same course at different times, particularly if child abuse or neglect, domestic intimate-partner abuse, or unresolved parental conflict is or has in the past been present in the relationship, or if one party has threatened the other party.

2. For purposes of Fourth Judicial District Rule 4-3D, "facilitator" shall mean persons qualified as "approved specialized mediators" pursuant to Neb. Rev. Stat. § 43-2938(3) (Reissue 2016) and "specialized alternative dispute resolution" as defined by Neb. Rev. Stat. § 43-2922(22) (Reissue 2016) shall also be referred to as "facilitation."

Except as otherwise required by Neb. Rev. Stat. § 43-2937(4) (Reissue 2016), when the parties or their counsel are unable to negotiate a parenting plan agreement which satisfies the requirements of the Parenting Plan Checklist, then the parties are required to meet and confer with either the Director of the District Court Conciliation and Mediation Services or another assigned mediator to complete a Parenting Plan, including all issues of child custody, parenting time, visitation, grandparent visitation, other access, and any other issues relating to the children that may be susceptible to mediation or the specialized alternative dispute resolution process.

Parties or counsel are required to notify the Director of the District Court Conciliation and Mediation Services of any request for delay in assignment of a mediator or facilitator if the parties or counsel are attempting to negotiate a Parenting Plan agreement, which agreement shall be required to comply with the Parenting Plan Checklist. A mediator will

be assigned within ten (10) business days unless the conciliation court is notified that a plan will be forthcoming from the parties or the attorneys. ~~In the event that there is a failure to request a delay of mediator or facilitator assignment, one shall be assigned pursuant to this rule.~~

An individual party, a guardian ad litem, or a social service agency may request mediation, specialized alternative dispute resolution, or other alternative dispute resolution process for a matter involving an issue of custody, parenting time, visitation, other access, or a related matter at any time prior to the filing or after the filing of an action with this court. Upon receipt of such request, each mediator, court conciliation program, or approved mediation center shall provide to each party information about mediation and the specialized alternative dispute resolution process.

At any time in the proceedings, the court may refer a case to mediation or the specialized alternative dispute resolution process in order to attempt resolution of any relevant matter. The court may state a date for the case to return to court, and the court shall not grant an extension of such date except for good cause shown.

3. Prior to commencing an initial mediation session, the mediator shall provide an initial, individual screening session with each party to assess the presence of child abuse or neglect, unresolved parental conflict, domestic intimate-partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions. If any of these conditions exists, the mediator shall direct the parties to return to the Conciliation and Mediation Services Office for assignment of a specialized alternative dispute resolution process that addresses safety measures for the parties.

When there are allegations of domestic intimate-partner abuse or unresolved parental conflict between the parties in any proceeding, or when screening by a mediator, mediation center, or the Conciliation and Mediation Services Office identifies the presence of child abuse or neglect; unresolved parental conflict; domestic intimate-partner abuse; other forms of intimidation or coercion; or a party's inability to negotiate freely and make informed decisions, then mediation shall not be required; however, the parents shall be required to meet with a facilitator in the court's specialized alternative dispute resolution process.

The specialized alternative dispute resolution process shall begin with each parent meeting individually with a qualified facilitator to provide an opportunity for the facilitator to educate each party about the process; obtain informed consent from each party in order to proceed; establish safety protocols; allow support persons to attend sessions; and consider opt-out-for-cause. ~~Any party may terminate after an initial, individual screening session and one specialized alternative dispute resolution session are held.~~ The primary consideration in each specialized alternative dispute resolution session shall be the safety of each party and each child. The facilitator of the process has a duty to determine whether to proceed in individual sessions or caucus sessions in order to address safety and freedom to negotiate. Joint sessions shall not be used unless, after a

safety assessment by the facilitator, all parties agree to a joint session to be conducted at the courthouse, with appropriate safety measures in place.

~~No trial date or other dispositive hearing will be scheduled until (1) attendance at the required parent education seminar has been completed and mediation or other specialized alternative dispute resolution process has been attempted to resolve issues of custody, parenting time, visitation, or other access, and (2) the parties have filed a Proposed Scheduling Order pursuant to Fourth Judicial District Rule 4-10, provided, however, that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six (6) months.~~

~~Notwithstanding the language in this rule, issues of domestic violence, domestic intimate partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution processes.~~

4. Termination. To be compliant with Rule 4-3D, a party may not terminate mediation until after an individual initial screening session and one mediation or specialized alternate dispute resolution session are held. However, if after the individual initial screening sessions of each party is complete, the mediator may make the determination that further mediation or facilitation would fail to serve the best interests of the child.

5. No trial date or other dispositive hearing will be scheduled until (1) attendance at the required parent education seminar has been completed and mediation or other specialized alternative dispute resolution process has been attempted to resolve issues of custody, parenting time, visitation, or other access, and (2) the parties have filed a Proposed Scheduling Order pursuant to Fourth Judicial District Rule 4-10, provided, however, that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six (6) months.

Notwithstanding the language in this rule, issues of domestic-violence, domestic intimate-partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution processes.

4.6. The Mediation Committee will prepare a letter, for distribution by the District Court Administrator, advising the filing parties and their attorneys that attendance at the Conciliation and Mediation Services seminar “What About the Children?” or “Reach Beyond Communication Skills For Parents in Conflict” is mandatory and must be completed within the time frame specified in this rule. The letter should also advise the parties and counsel (1) that Parenting Plans and issues of child custody, parenting time, visitation, or other access with a child will be referred for mediation or specialized alternative dispute resolution; (2) that no trial or other dispositive hearing will be scheduled until attendance at the required parent-education seminar has been completed and mediation or specialized alternative dispute resolution to resolve issues of custody,

parenting time, visitation, or other access has been attempted; (3) that failure or refusal to participate by a party shall not delay entry of a final judgment by more than six ~~(6)~~ months; and (4) that issues of domestic-violence, domestic intimate-partner abuse, or child abuse or neglect may, upon consideration by the trial court, disqualify the parties from parent education, mediation, or the specialized alternative dispute resolution processes. The Clerk of the District Court is directed to include this letter with the filing and service packets distributed by the Clerk.

~~5.7.~~ The Office of Conciliation and Mediation Services shall maintain a list of mediators and facilitators approved by the District Court Judges and the Mediation Committee of the District Court. These mediators and facilitators must meet State of Nebraska (or equivalent) standards for training in order to qualify. The following requirements apply to all participating mediators and facilitators: Court-approved mediators and facilitators will determine their own fees and will provide a copy of their fee schedule to the Conciliation and Mediation Services Director. In order to be on the list of court-approved mediators and facilitators, a mediator or facilitator must agree to use a sliding-fee scale of \$25 to \$75 per person per hour, determined on the basis of what each party is able to pay. Court-approved mediators and facilitators must also agree to take pro bono cases on an “as needed” basis. The Conciliation and Mediation Services Director will determine the need for such pro bono services, so that the burden of these cases is equitably distributed among the participating mediators and facilitators.

~~6.8.~~ Mediators and facilitators involved in proceedings shall participate in training to enable them to recognize child abuse or neglect, domestic intimate-partner abuse, and unresolved parental conflict and its potential impact upon children and families.

~~7.9.~~ Prior to participation in the program, qualified mediators and facilitators will be required to attend an orientation session, which will be conducted by the Director of Conciliation and Mediation Services, to review the mediation and specialized alternative dispute resolution process procedures, as well as the Parenting Plan Checklist. Each participating mediator and facilitator shall agree to the court requirements for participation, including a requirement to observe all statutory requirements for mediators in the mediation process and for facilitators in the specialized alternative dispute resolution process as established under the Nebraska Parenting Act. Each mediator and facilitator will be asked to sign a statement indicating acknowledgment and acceptance of the requirements.

~~10.8.~~ When a judge refers a case for mediation or specialized alternative dispute resolution, the judge will indicate the issues to be mediated or facilitated, as well as any choice of a mediator or facilitator if the judge has a preference. The judge may also indicate whether there is a particular mediator or facilitator whom the judge does not wish to use. The attorneys for the parties may also mutually agree upon the choice of a mediator or facilitator and may indicate whether they wish the parties to mediate any issues other than custody, parenting time, visitation, or other access with a child. If financial issues are to be mediated, the case will be assigned to an attorney mediator. The

attorneys or self-represented litigants shall notify the Conciliation and Mediation Services Office when mediation has been ordered by the Court and shall provide the Conciliation and Mediation Services Office with all necessary client information.

~~11.9. When the court refers parties to mediation or specialized alternative dispute resolution, the attorneys will be requested to bring the parties to the Conciliation and Mediation Services Office forthwith or to immediately provide the Conciliation and Mediation Services Office with all necessary client information, so the staff can confer with the parties and their attorneys and discuss the appropriate process and selection of a mediator or facilitator. Unless the parties or attorneys have requested a specific mediator or facilitator, the Conciliation and Mediation Services Office will assign, from the rotating list, the next mediator or facilitator appropriate to the parties and their needs, and the Conciliation and Mediation Services Director will contact the mediator or facilitator to confirm the mediator's or facilitator's acceptance of the case. The Conciliation and Mediation Services staff will send paperwork to the mediator or facilitator, who must advise the Conciliation and Mediation Services staff, within ten (10) days of receipt of the paperwork, of the date for the parties' first appointment. The Conciliation and Mediation Services staff will screen each case for domestic violence, child abuse or neglect, unresolved parental conflict, domestic intimate-partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions. If any one or more of these elements are found to exist, then mediation shall not be required; however, the parents shall be required to meet with a facilitator in the court's specialized alternative dispute resolution process.~~

~~12.40.~~ a. If the parties reach an agreement through mediation or the specialized alternative dispute-resolution process, the agreement shall be reduced to writing. The mediator or the facilitator shall provide copies of the agreement to the parties and their attorneys, together with a notice informing the parties and their attorneys of their right to express their objections to the written agreement. The notice shall inform the parties and their attorneys that they have twenty-one (21) days from the date of the notice to notify the mediator or facilitator and the Conciliation and Mediation Services Office of any written objections to the terms of the agreement. The written objections shall be specific and shall not violate the statutory protections of confidentiality or privilege of the parties by being filed with the ~~clerk of the court~~ Clerk of the District Court. All matters not specifically objected to shall be deemed final. If no objections are received within twenty-one (21) days, then the agreement shall automatically be forwarded to the Conciliation and Mediation Services Office for final processing, pursuant to subsection (c) below.

If the parties and counsel negotiate a Parenting Plan agreement, which agreement shall fully comply with the Parenting Plan Checklist, they shall forward the agreement to the Conciliation and Mediation Services Office immediately after signing, pursuant to subsection (c) below.

b. Upon the filing by either party or attorney of objections to the agreement, the mediator or facilitator shall forthwith schedule a re-mediation or re-facilitation session on the disputed issues identified in the written objection. The mediator or facilitator may charge additional fees for the re-mediation or re-facilitation session and related expenses. Following remediation or re-facilitation efforts, the mediator or facilitator shall forward to the Conciliation and Mediation Services Office the re-mediated or re-facilitated agreement, which shall be clearly denominated the “re-mediated agreement” or the “re-facilitated agreement,” and which shall recite those issues, if any, which remain contested.

c. All agreements shall be forwarded to the Conciliation and Mediation Services Office, where the Conciliation and Mediation Services staff shall review said agreements for compliance with the Parenting Plan Checklist. The Conciliation and Mediation Services staff shall then forward a copy of the final agreement, along with the appropriate closure form to the Clerk of the District Court for filing, ~~to the judge to whom the case is assigned, and to the court file.~~

d. At trial, parties shall not present evidence intended to object to a provision in an approved parenting plan or to show a material change in circumstances subsequent to the filing of a final agreement unless a written motion asking leave of the court to present such evidence at trial, accompanied by a notice of hearing, has been filed with the court and has been heard and granted prior to the trial.

~~11.13.~~ The Conciliation and Mediation Services staff will follow up on the deadlines set by the court, including any extensions of time that have been granted.

~~12.14.~~ Amendments, Changes, and Modifications—cases. Before filing for a modification of their court-ordered parenting plan, parties may re-mediate by selecting a mutually agreed-upon mediator or facilitator.

Any party filing a complaint to modify must state in the complaint the date remediation was held and the outcome of remediation. After a party has filed for a modification, the attorneys or self-represented litigants shall contact the Conciliation and Mediation Services Office. When the parties are mediating or facilitating amendments to existing decrees or modification proceedings, they may directly request mediation or specialized alternative dispute through their previous mediator or facilitator or may request re-assignment to a different person through the Conciliation and Mediation Services Office.

~~13.15.~~ The Mediation Committee will be a standing committee of the District Court and will be composed of four (4) ~~district judges,~~ the Conciliation and Mediation Services Director, at least one outside mediator/advisor, and such other persons as the Committee deems necessary. The Chair Judge of Conciliation and Mediation Services will chair this Committee and may be consulted individually, as may be needed by the Conciliation and Mediation Services Director, for answers on day-to-day operations of the mediation program.

~~14-16.~~ The Mediation Committee of the District Court may make such other operating rules as may be needed to facilitate the beginning and continuation of this mediation program.

~~E.F. Temporary Support and Allowances. Unless otherwise ordered, applications for temporary support and allowances shall be governed by Neb. Ct. R. § 6-1504(B). Except where a party appears as a self-represented litigant *pro-se* and live testimony is required, or unless otherwise ordered, evidence shall be submitted by affidavits. Affidavits shall set forth information required by Nebraska Child Support Guidelines and Neb. Rev. Stat. § 43-2930 (Reissue 2016). The District Court Administrator shall provide the Affidavit forms in the Court Administrator's Office and at the District Court's website, www.dc4dc.com. Affidavits submitted in digital format, by fax, email, or other digital media, shall be limited to an aggregate total of ten (10) pages or less. Affidavits that exceed an aggregate total of ten (10) pages shall be submitted in hard copy. The moving party shall provide the Court and opposing counsel or the non-moving party, if not represented, the supporting affidavits at least forty-eight (48) hours prior to the hearing, together with a notice of the hearing. The non-moving party shall submit to the Court and the moving party or counsel for the moving party, if the moving party is represented, any responsive affidavit(s) within twenty-four (24) hours prior to the hearing. Other than *ex parte* relief allowed by statute, the court, in its discretion, may decline to consider any affidavit unless it has been exchanged in compliance with these guidelines.~~

Rule 4-4. Criminal Cases

A. Criminal Trials. In consideration of the right to a speedy trial contained in Neb. Rev. Stat. § 29-1207 (Reissue 2016), ~~C~~riminal cases shall, as nearly as possible, be called for trial in the order of appearance on the docket.

B. Arraignment. A defendant who has been bound over on a felony charge and is represented by counsel may file a written waiver of arraignment and plea of not guilty pursuant to Neb. Rev. Stat. § 29-4206 (Reissue 2016).

C. Criminal Jury Trial Priority. For the purpose of jury selection, those courts trying criminal cases shall be given priority.

D. Failure to Appear. If a defendant fails to appear and a bond forfeiture is ordered, it shall be the duty of the prosecutor to take all further legal action necessary to ensure that judgment is entered upon the bond forfeiture.

E. Criminal Pretrial Conference. The prosecutor attending a pretrial conference shall be fully knowledgeable about the case and shall have the authority to make decisions concerning trial dates, discovery, pleas, and similar matters relating to the timely disposition of the case. Any attorney attending such a conference on behalf of a

defendant shall likewise be fully knowledgeable about the case and shall have obtained the defendant's authorization to make similar decisions.

Rule 4-5. Briefs

When a party files a brief with the Clerk of the District Court pursuant to Neb. Ct. R. § 6-1505, the party shall simultaneously e-mail an electronic copy of the brief to the judge's bailiff and deliver a hard copy of the brief to the judge.

~~In cases involving controverted questions of law, trial briefs must be submitted before commencement of the trial.~~

Rule 4-6. Dismissals and Settlements [Reserved.]

[Reserved.]

~~When a case is resolved by settlement stipulation, the case shall be placed on inactive status until such time as the settlement is consummated, at which time the case shall be dismissed. If the settlement stipulation is not consummated, the case may be reinstated to active status upon the motion of any party.~~

Rule 4-7. Courtroom Decorum

A. Searches. In the discretion of the security officers, upon order of the court, any person may be subjected to a search of his or her person for possession of any weapons, destructive device, or components thereof.

~~B. Media Coverage. Broadcasting, televising, taking photographs, and, except for making the record of the proceeding or assuring the accuracy thereof, audio and video recording in the courtroom and area immediately adjacent thereto during sessions of court or recesses between sessions are prohibited.~~ Electronic Devices. The use of cell phones and other electronic devices in the courtroom is prohibited by anyone including counsel without the permission of the court. Nothing in this rule shall be read to conflict with Nebraska Supreme Court Rules on expanded media coverage at Neb. Ct. R. § 6-2003 et seq.

Rule 4-8. Duties of Court Administrator

The Court Administrator shall have general supervision over and administer the nonjudicial activities and functions of the court; appoint and remove ~~and direct the work of all~~ personnel of the office of the Court Administrator subject to the approval of the District Court Continuity Committee; direct the work of all personnel of the office of the Court Administrator; procure supplies and equipment; provide reports relating to the business and administration of the court; prepare the court's budget and payroll; maintain

liaison with governmental and other public and private groups interested in the administration of the court; attend meetings of the judges and serve as secretary; and perform such other duties assigned by the court for proper and efficient administration. In addition, the Court Administrator shall ~~be responsible for the management, allocation, and release of jurors. Trial courts shall inform the Court Administrator relative to the need for jurors, and the Court Administrator shall notify the Clerk of the court concerning specific assignments. Literature for jurors shall be disseminated under the supervision of the Court Administrator as directed by the presiding judge~~ coordinate jury management with the Clerk of the District Court.

Rule 4-9. Jury Trials

A. Availability of Party or Counsel During Jury Deliberations. During jury deliberations, counsel and self-represented litigants ~~pro se parties~~ shall keep the court informed of their location and shall keep themselves available on short notice personally or by telephone, as ordered by the court.

B. Absence of Party or Counsel on Receipt of Verdict. Unless otherwise requested, the court will not deem it necessary in civil cases that any party be present in person or by counsel when the jury returns to the courtroom with its verdict.

C. Presence of Defendant in Criminal Cases. Unless otherwise ordered by the court, all defendants in criminal cases shall, during the deliberations of the jury, remain in the building in which trial was held.

D. Six-Person Jury. Civil cases may be tried to a six-person jury by stipulation of the parties and approval by the court.

E. Jury Impanelment; Divisions of Court; Priority. For the purpose of jury trials, the court shall be divided into two groups, Divisions Panel A and Panel B, which shall alternate jury panels on a monthly basis each of which may conduct jury trials during each month of the year. Judges assigned to ~~Division~~ Panel A shall impanel juries generally during the first two weeks of each month, and judges assigned to Panel B shall impanel juries generally during the last two weeks of each month, during the month of January and each odd-numbered month thereafter in each calendar year. Judges assigned to Division B shall impanel juries during the month of February and each even-numbered month thereafter in each calendar year. Unless otherwise directed to do so by the presiding judge, the Court Administrator shall provide no juries to a judge other than during the assigned months. If the need arises for a judge to impanel a jury other than during the assigned month, the judge shall communicate such need to the presiding judge, and the presiding judge shall then make a determination whether the requesting judge's should be allowed request to impanel a jury other than during that judge's assigned month the scheduled two-week period should be granted. Unless otherwise directed to do so by the presiding judge, the Clerk of the District Court shall provide no jurors to a judge other than during that assigned judge's scheduled two-week period.

F. Inadequate Number of Jurors. When there is not a sufficient number of jurors immediately available, the Clerk of the District Court ~~Court Administrator~~ shall give priority to those courts trying criminal matters.

Rule 4-10. Case Progression

A. Case Progression Standards. Progress of all cases shall comply with the Case Progression Standards established by Neb. Ct. R. § 6-101. To facilitate compliance, a Proposed Scheduling Order (PSO) shall be submitted to the District Court Administrator in all non-criminal cases within four (4) months after the filing of the case. The PSO shall be submitted by agreement of the parties. However, if the parties cannot agree, any party to the pending action may submit a PSO and set the matter for hearing before the Court assigned to the case. If a PSO is not submitted within four (4) months, the District Court Administrator shall give notice by mail or email to each party that, within thirty (30) days from the date of the notice, the matter will be dismissed unless a PSO is submitted to the District Court Administrator.

B. Case Progression Filing Procedures. The District Court Administrator shall provide the PSO forms in the Court Administrator's Office and at the District Court's website, www.dc4dc.com. In each domestic relations case, the parties shall be responsible to report to the Conciliation and Mediation Services Office for compliance with Rule 4-3, if applicable, or the case is subject to dismissal.

C. Case Progression Dismissals. When a case has been dismissed pursuant to this rule, any party may request that the case be reinstated, but only upon ~~(1)~~ filing a motion to reinstate the case and ~~(2) the contemporaneous~~ submission of a signed PSO to the Court assigned to the case. The Court assigned to the case may, in its discretion, reinstate the case.

D. Judicial Review of Proposed Scheduling Order. After the submission of the PSO to the District Court Administrator and review of the PSO by the Court assigned to the case, the Court may approve the PSO as agreed upon by the parties, or, upon notice to the parties, may schedule the case for a pretrial/scheduling conference. The PSO may subsequently be amended with approval of the Court. Nothing contained in this Rule shall preclude the Court assigned to the case from setting a scheduling conference at any time and entering a scheduling order thereafter.

E. Special Settings. Upon request of either party, the Court assigned to the case shall determine whether the case shall be specially set for trial.

Rule 4-11. Appointment of Counsel for Indigents

A. Payment for Court-Appointed Attorney. Before the claim of any attorney appointed by the court is allowed, such attorney shall make a written motion for fees, positively verified, stating time and expenses in the case. Counsel shall also state in the motion that counsel has not received and has no contract for the payment of any compensation by the

defendant or anyone in the defendant's behalf, or if counsel has received any fee or has a contract for the payment of same, to disclose the same fully so that the proper credit may be taken on counsel's motion.

B. Payment for Court-Appointed Guardian ad Litem. When a court-appointed guardian ad litem makes application for payment of fees, if the indigence of either party to the action is at issue such that the county may be ordered to pay the fees and costs, the guardian shall serve a copy of the fee application and notice of hearing upon the County Attorney. The County Attorney may appear at the hearing to represent the interests of the county or may file a written waiver of appearance.

C. Amount of Awarded Fees. When the award of fees is expected to exceed \$4,800, ~~2,000,~~ the judge to whom the case is assigned may, in the judge's discretion, request that the presiding judge, or, in the absence of the presiding judge, the acting presiding judge, appoint two additional judges who, together with the judge to whom the case is assigned, shall determine the fee by majority vote.

Rule 4-12. Assignments of Cases

A. Assignment of Cases. Cases shall be assigned to a judge by random selection through use of computerized or manual means.

B. Case Consolidation. A motion for consolidation of cases for discovery purposes or trial shall be heard by the judge to whom the case with the lowest case docket and page number is assigned, and by whom the consolidated case will be heard.

C. Felony Companion Cases. Companion cases are (1) those in which multiple defendants are charged, in separate informations, with crimes arising out of the same set of facts, (2) those in which separate informations are filed contemporaneously against a single defendant, or (3) those in which a defendant initially charged with a felony offense which is currently pending is subsequently charged with a criminal offense. The County Attorney shall, at the time of filing each information, note on the information the case title and case docket number of each companion case, as defined by this rule, and the Clerk of the District Court shall assign each such companion case to the judge to whom is assigned the case with the lowest case docket number.

D. Criminal Appeal Companion Cases. On receiving notice of appeal from County Court, the prosecutor shall, ~~on a form provided,~~ notify the eClerk of the District Court of the case title and case docket number of any previously filed appeal by a different defendant involving the same incident, and the appeal shall be assigned by the eClerk to the judge having the lowest case docket number of the previously filed appeal by the different defendant, but involving the same incident. When appeals are taken in separate cases consolidated for trial in the County Court, the eClerk of the District Court shall assign all to the same judge.

E. Postjudgment Criminal Matters. Postjudgment criminal matters, including probation-revocation and Post Release Supervision (PRS) proceedings, applications for postconviction relief, annual reviews of convicted sex offenders, and annual reviews of individuals found not responsible by reason of insanity, shall be assigned to the judge by whom the case was tried, or to that judge's successor. For the purpose of probation-revocation proceedings, any new felony charge filed against a defendant whose probation is sought to be revoked shall be assigned to the judge by whom the probation-revocation proceeding will be heard. Any companion case to that new felony, as defined by Rule 4-12C, shall likewise be assigned to the judge by whom the probation-revocation proceeding will be heard. Any new felony charge filed against an individual who has completed probation or a term of incarceration shall be assigned to a judge randomly, pursuant to Rule 4-12A.

F. ~~Domestic Abuse~~ Protection Orders. For the purpose of assignment of applications for a ~~domestic abuse~~ protection order, companion cases shall be those situations (1) in which one or multiple petitioners simultaneously apply for a protection order against the same person or persons, (2) in which the petitioner is a party to a currently pending action to obtain a protection order involving the same person or persons, or (3) in which the petitioner or respondent is a party to a domestic relations or paternity action which is currently pending before the court.

If, upon receiving the petition for filing, the Clerk of the District Court determines that the case is a companion case under any one of the foregoing three criteria, the case or cases shall be assigned to the judge to whom the first such case is assigned, or to the judge who has pending before her or him a previously filed protection order, domestic relations, or paternity matter. All other cases shall be assigned to a judge by random selection through computerized or manual means.

G. Civil Companion Cases. Companion cases are those involving (1) the same parties arising from the same action, (2) multiple plaintiffs arising from the same transaction, (3) multiple defendants arising from the same transaction, or (4) multiple plaintiffs versus the same defendant or multiple defendants arising from substantially identical transactions. The party shall, at filing, if known to the party, note companion case titles and case docket numbers, and the Clerk of the District Court shall assign all companion cases to the judge with the case that has the lowest case docket number.

Rule 4-13. ~~BONDS AND SURETIES~~ [Reserved.]

[Reserved.]

A. ~~Bond Authority~~. No person who is in the business of providing bonds shall do so in an individual capacity, or as attorney in fact for a surety company, without the approval of the Judges of the Fourth Judicial District. Before one may act as an attorney in fact, such person shall furnish to the presiding judge a copy of the last financial statement the principal was required to file with the proper state office of the state of its domicile,

~~reflecting its financial condition as of the date required for the filing of said report. All persons in the business of providing bonds acting in an individual capacity shall furnish, under oath, such financial statement or net worth statement as the presiding judge may require.~~

~~B. Solicitation. Persons engaged in the business of providing bonds shall not directly or indirectly solicit any indemnitee to employ any particular attorney nor make the suretyship contingent upon employment of a particular attorney. Neither shall any person engaged in the business of providing bonds charge or receive excessive pay or reward or require excessive collateral.~~

~~C. Monthly Report. On the last day of each month, any person engaged in the business of providing bonds shall file a report with the Clerk of the District Court, listing all cases in which such person is surety, the names of the indemnitee on bonds, the amount of the bonds, the security held, the premiums charged, and any forfeited bonds that remain unpaid.~~

~~D. Surety's Justification. Bonds other than corporate surety bonds shall have appended a justification under oath by the surety or sureties, stating the condition of the bond; in criminal bonds the justification shall include a description of the property owned by the surety and the encumbrances, if any. Such a bond must be approved in writing by a member of the County Attorney's Office before presentation for further approval by the court.~~

~~E. Cash Bonds. Cash bonds may be deposited with the Clerk of the court but only upon execution and filing of a written document setting forth the undertaking.~~

~~F. Release on Own Recognizance. Under proper circumstances a defendant in a criminal action may be released on the defendant's own recognizance upon the filing of a written document setting forth the conditions under which the release is granted.~~

~~G. Surrender of Bonded Person. One who has provided a bond desiring to surrender the bonded person to the custody of authorities must do so in open court within twenty four hours after the bonded person is placed in confinement. The amount of the premium and other matters may be inquired into at that time.~~

~~H. Annual Report. One engaged in the business of providing bonds shall, on or before the 15th day of January of each year, deliver to the presiding judge a report certified by a bonded abstracting company, giving the following information concerning each outstanding bond forfeiture since the previous similar report: Docket and Page Number; Title of Case; Nature of Case and Amount of Bond; Date of Forfeiture, Order of Forfeiture, and all subsequent orders. Within ten (10) days after the filing of such report, one engaged in the business of providing bonds shall file an additional report, stating which forfeitures have since been paid and the reasons, if any, for nonpayment.~~

Rule 4-14. Exhibits

A. Public Records as Exhibits. In all cases where books, files, or records, or parts thereof belonging to or taken from the records of public offices are offered in evidence or are marked for identification to be offered at a pretrial conference, it shall be the duty of the party offering the same to furnish true copies of the same to the court reporter and the opposing party before the offer.

B. Documentary Exhibits. All documentary evidence which is not impeaching or rebuttal in nature shall be presented to the court reporter prior to trial, marked for identification, and exhibited to the opposing party for inspection.

C. Exhibits And Affidavits Submitted In Digital Format. Limits. Documentary exhibits and affidavits submitted to the Court or a court reporter in digital format, ~~by fax, email, or other digital medium,~~ shall be limited to an aggregate total of ten (10) pages or less. Documentary exhibits and affidavits submitted to the court or court reporter that exceed an aggregate total of ten (10) pages shall be submitted in hard copy. Exhibits and affidavits shall be submitted to the Court, and to any opposing parties, at least forty-eight (48) hours prior to the hearing. The Court, in its discretion, may decline to receive into evidence any exhibit or accept any affidavit unless it has been submitted in compliance with this rule.

Rule 4-15. Pretrial Conferences

Pretrial conferences will be on order of the court, consistent with Neb. Ct. R. § 6-1522, ~~of Dist.Ct.Pre Trial Proc. (rev. 1992)~~, and shall specify the date, hour, location, requirement placed upon counsel, the manner in which the conference will be held, and any other matters the court deems appropriate. A party represented by counsel shall appear at such conference through the attorney who is to conduct the trial, or by trial counsel's co-counsel having full knowledge of the case and possessed of authority to bind the party by stipulation.

Rule 4-16. Court Files

A. Except under exceptional circumstances, and then only with the special permission of a District ~~Court~~ Judge for good cause shown, no person other than the judges or District Court personnel shall remove from the office or possession of the Clerk of the District Court any records, papers, or files, including transcripts and bills of exceptions, pertaining to the cases in the court.

B. If a District ~~Court~~ Judge grants permission to remove from the Office of the Clerk of the District Court ~~Clerk's Office~~ any records, papers, or files, the person to whom the permission is granted shall sign a written receipt for such materials. The receipt shall identify with particularity the materials being removed and shall include (1) the name, address, and telephone number of the person who is removing the materials and (2) the name, address, and telephone number of the person on whose behalf the materials are being removed.

The records, papers or files shall be returned to the Clerk of the District Court within three (3) working days of the date on which they are removed, including the day of removal, and in no event shall the materials be returned later than one (1) working day prior to any court proceeding in the case to which they relate. The failure to return any records, papers, or files in compliance with the provisions of this rule shall result in revocation of the removal privilege of the attorney, firm of attorneys, or abstractor on whose behalf the materials were removed. The privilege shall not be restored except as the presiding judge may direct. The presiding judge may impose such other penalties and sanctions as may be appropriate for violation of this rule.

C. Any person may obtain photocopies of any public filings at such reasonable cost as the Clerk of the District Court shall determine.

Rule 4-17. Appointment of Conflict Counsel in Criminal Cases

A. Authority. Pursuant to Neb. Ct. R. §§ 6-1525 and 6-1467, the judges of the District Court and County Court of Douglas County (the Courts) adopt this rule for furnishing conflict representation in the Courts for any person who is financially unable to obtain adequate representation in felony, misdemeanor, or post-conviction cases pursuant to Neb. Rev. Stat. §§ 29-3901 to 29-3908 and §§ 29-3001 to 29-3004 (Reissue ~~2016 2008 & Cum. Supp. 2014~~).

B. Statement of Policy. The objective of this plan is to attain the ideal of equality before the law for all persons. This plan shall be administered so that those eligible for services pursuant to Neb. Rev. Stat. §§ 29-3901 to 29-3908 and §§ 29-3001 to 29-3004 (Reissue ~~2016 2008 & Cum. Supp. 2014~~) will not be deprived of any element of representation necessary to an adequate defense because they are financially unable to pay for adequate representation. The further objective of this plan is to particularize the requirements for court appointments in Douglas County, Nebraska.

C. Appointment of Private Attorneys. The Douglas County Public Defender's Office shall have first priority to be appointed for any indigent defendant in all criminal cases within the county. This rule establishes the process for the appointment of private attorneys to represent indigent defendants when the Public Defender's staff has a conflict of interest. A panel of private attorneys who are eligible and willing to be appointed to provide representation in Douglas County is hereby recognized. The Plan for the Composition, Administration, and Management of the Panel of Private Attorneys pursuant to Neb. Ct. R. §§ 6-1525 and 6-1467 is set forth below.

D. Duties of Appointed Counsel. The services to be rendered on behalf of a person represented by appointed counsel shall be commensurate with those rendered if counsel were privately employed by the person. Attorneys appointed to the panel shall conform to the highest standards of professional conduct and shall refrain from conduct unbecoming a member of the bar.

E. Creation of Panel. The District Court and County Court of Douglas County (the Courts) shall establish a panel of private attorneys (hereafter referred to as the “DC Panel”). All attorneys who are eligible and willing to be appointed to provide representation will be placed on the DC Panel.

F. Composition of Panel.

1. Attorneys who serve on the DC Panel must be members in good standing of the Nebraska bar and must have demonstrated experience in, and knowledge of, the Nebraska Rules of Criminal Procedure and the Nebraska Rules of Evidence. The Courts shall approve attorneys for membership on the DC Panel and the composition of the DC Panel after receiving recommendations from the Panel Selection Committee (the Committee) established pursuant to subsection 2 of this Plan.

Members of the DC Panel shall serve indefinitely and continuously at the pleasure of the Courts.

2. The Courts shall jointly establish a Panel Selection Committee (the Committee). The Committee shall consist of two District Court judges, two County Court judges, two private attorneys who are experienced in criminal defense work, and the Douglas County Public Defender. The Committee shall select its own chairperson.

The Committee shall meet at least once each year, and at such other times as the Committee deems appropriate, to consider applications for addition to the DC Panel. The Committee shall review the qualifications of applicants and shall recommend, for approval by the Courts, the attorneys to be included on the DC Panel and, based upon the attorney’s experience, skill, and competence, the category of cases which each attorney can handle. If an attorney disputes the category in which he or she has been placed for assignment of cases, the attorney may submit to the Committee a written explanation of the basis for such dispute. The Committee will then consider the dispute, will resolve the dispute by majority vote of its members, and will provide the attorney with a written disposition of the placement dispute.

At its annual meeting, the Committee shall also review in its entirety the appointment list of attorneys on the DC Panel to determine if any attorney should be removed due to failure to remain in good standing with the Nebraska bar or for cause. If the attorney is being considered for removal from the DC Panel for cause, the Committee shall give written notification to the attorney indicating the concerns with the attorney’s performance giving rise to consideration for removal, and the attorney shall be given the opportunity to respond in writing or in person before a final decision is made.

At its annual meeting, the Committee shall also review the operation and administration of the DC Panel during the preceding year, and shall recommend to the Courts any changes regarding the appointment process and panel management which the Committee deems necessary or appropriate. If a majority of the judges of the Courts agree, then

proposed language amending the Rule shall be submitted to the Supreme Court as provided by Neb. Ct. R. § 6-1501 entitled “Local Rules.”

G. Assignment of Cases. Cases shall be assigned to attorneys based on their experience, skill, and competence. Complex or more serious cases shall be assigned to attorneys with sufficient levels of experience and competence to provide adequate representation in such cases. Attorneys who have less experience, skill, and competence shall be assigned cases which are within their capabilities.

H. Appointments and Maintenance of Appointment List. Appointments from the list of private attorneys on the DC Panel should be made on a rotational basis, subject to the appointing court’s discretion to make exceptions due to the nature and complexity of the case, an attorney’s experience or lack thereof, a language consideration, a conflict of interest, or any other factor which the appointing court may deem appropriate under the circumstances. This procedure should result in a balanced distribution of appointments and compensation among the members of the DC Panel, as well as quality representation for each defendant who is financially unable to otherwise obtain adequate representation.

To be considered for appointment to the DC Panel, a private attorney shall complete the form entitled “Request to Be Added to Douglas County Court-Appointment List” and shall file it with the Douglas County District Court Administrator’s Office. This form shall be available at the District Court Clerk’s Office and the County Court Clerk’s Office. Any private attorney on the DC Panel may request to be removed from the Panel at any time by sending a letter asking for removal to the District Court Administrator’s Office, Hall of Justice, Room 500, 1701 Farnam Street, Omaha, NE 68183.

The respective Court Administrators of District Court and County Court shall maintain a current list of all attorneys included on the DC Panel, including the attorneys’ current office address and telephone numbers.

~~I. Effective Date. This rule shall become effective on April 1, 2015.~~

REQUEST TO BE ADDED TO DOUGLAS COUNTY COURT APPOINTMENT LIST

Name: _____

Address: _____

Phone #: _____

Email: _____

I wish to be considered for court appointments in:

~~—Misdemeanors~~

~~-~~

~~—Felonies~~

~~-~~

~~—Murder cases~~

~~-~~

Please state the qualifications that you possess to be placed on the appointment list:

~~[The Panel Selection Committee will review your qualifications and determine to what type of cases you can be appointed.]~~

Please initial:

~~___ I am a member and in good standing with the Nebraska bar.~~

~~___ I have demonstrated experience in, and knowledge of, the Nebraska Rules of Criminal Procedure and the Nebraska Rules of Evidence.~~

~~___ I acknowledge that I must comply with Neb. Ct. R. of Prof. Cond. § 3-501.1, which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, preparation, and judgment reasonably necessary for the representation. Therefore, if I feel I cannot properly represent the defendant on his/her charges, then I shall immediately inform the presiding judge of the court that appointed me and request that I be allowed to withdraw from the case.~~

~~___ I acknowledge that, if any of the above information changes, I shall immediately notify the District Court Administrator of the changes.~~

~~— I acknowledge that if I no longer wish to receive court appointments, I will immediately notify the District Court Administrator so that my name may be removed from the DC Panel List.~~

-

Date:		Signature:
		Bar #:

Rule 4-18. Miscellaneous

A. ~~Outside Judge.~~ A ~~d~~District ~~j~~Judge from outside this ~~D~~istrict shall not be called to hear a case without the approval of the presiding judge, and all requests for assistance from outside the ~~D~~istrict shall be channeled through the presiding judge.

B. ~~Senior Practice.~~ A law student who is certified as eligible for senior practice in accordance with the rules of the Supreme Court of Nebraska may appear and participate in proceedings in District Court only in the actual presence of the supervising attorney, who shall in each proceeding introduce the student to the judge and request affirmative consent to the student's participation.

~~C. Restraining Orders.~~ Restraining orders, orders for attachment or garnishment prior to judgment, orders granting leave to depose witnesses less than twenty (20) days after the commencement of the action, and similar orders will not be considered until a complaint is filed. A copy of the complaint, any necessary motions, and a proposed order must be presented at the time of hearing.

~~D.C.~~ Official Newspaper. The Daily Record is the official court newspaper for the purpose of publishing court calls, default dismissals, cases reinstated for trial, and such matters including notices to attorneys, notices regarding jury panels, and all other matters left to the discretion of the court.

~~E.D.~~ Witness Fees. When a person is subpoenaed or appears voluntarily as a witness in any case, it shall be the duty of the party at whose instance the witness appeared to see that the attendance of such witness is properly registered with the Clerk of the District Court. In the absence of such being done, it shall not be incumbent upon the Clerk of the District Court to tax fees for such witnesses as costs in the case on trial; provided, however, that upon motion for retaxing costs the court may order such fees taxed as costs.

~~F. Garnishment Proceedings. Upon receipt by the Clerk of a debtor's request for hearing on a garnishment proceeding, the Clerk shall promptly enter the request into the computer for assignment to a judge and generation of a notice directed to the judgment creditor, which shall be delivered promptly to the Court Administrator who shall mail it to the judgment creditor. The notice shall include the title and number of the case, the date of receipt by the Clerk of the request for hearing, the name of the judge to whom the hearing is assigned, a requirement that the judgment creditor schedule the hearing with the judge's bailiff within (10) days of the date of the filing of the judgment debtor's request, and that the judgment creditor promptly give notice of the hearing to the judgment debtor.~~

Rule 4-19. Emergency Modified Court Operations

A. This rule sets out the procedures governing emergency modified court operations in the District Court, County Court, and Separate Juvenile Court of the Fourth Judicial District (collectively "the Courts").

B. The presiding judge of the Fourth Judicial District Court shall be responsible for convening a standing committee for the Fourth Judicial District. This Emergency Modified Court Operations Committee shall be responsible for planning and implementing emergency modified court operations.

C. The Emergency Modified Court Operations Committee shall include a District Judge, a County Judge, and a Separate Juvenile Court Judge (collectively the "Judicial Representatives"). The Committee shall also include representatives from the following stakeholders: District 4A and 4J Probation Office; Douglas County Attorney's Office; Douglas County Public Defender's Office; City of Omaha Legal Department; Douglas County Department of Corrections; Douglas County Youth Center; Clerk of the District Court; Douglas County Sheriff's Office; Douglas County Health Department; and Omaha Douglas Public Building Commission. The Judicial Representatives shall be responsible for coordinating and facilitating communication among the members of the Emergency Modified Court Operations Committee.

D. In circumstances significantly threatening the ability of the Courts to conduct routine court proceedings safely and efficiently, the Emergency Modified Court Operations Committee's Judicial Representatives shall vote as to whether to implement emergency modified court operations. If a majority of the Judicial Representatives votes in favor of emergency modified operations, emergency modified court operations shall go into effect. The Judicial Representatives, in coordination with the Nebraska Supreme Court, shall enter appropriate administrative orders detailing the emergency modified operations. Any administrative order implementing emergency modified court procedures shall identify the date by which the order shall expire if not previously vacated, extended, or amended.

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

1. County Court: The operation of the courtroom at Douglas County Corrections and the transport of prisoners to and therefrom. Also, hearings as to any of the following: protection orders, evictions, emergency guardianship or conservatorship proceedings, change of pleas, bond settings, arraignments, and preliminary hearings.

2. Separate Juvenile Court: Hearings as to any of the following: adoptions, contested protective custody proceedings, contested adjudications or terminations of parental rights, contested motions to revoke probation, contested motions to commit to the Youth Rehabilitation and Treatment Center, and contested ex parte motions.

3. District Court: Hearings as to any of the following: bond reviews, change of pleas, sentencing, protection orders, motions for ex parte orders or temporary allowances, and motions for temporary restraining orders and temporary injunctions.

F. The Committee will notify the Nebraska Supreme Court Administrative Services Division and the Omaha Police Department of the emergency modified court operations status. The Committee shall also notify the public of the emergency modified court operations status by:

1. Preparing and issuing a press release to local media outlets regarding emergency operations;

2. Placing notices on websites and social media accounts controlled by members of the Committee; and

3. Posting notices at the entrances to the Douglas County Courthouse.

Rule 4-20. Summary Disposition on Appeal From County Court

A. Summary Dismissal. When the District Court is hearing an appeal from the Douglas County Court and determines that it lacks jurisdiction over the appeal, the appeal will be dismissed in the following manner: “APPEAL DISMISSED. See Dist. Ct. Local Rule 4-20.”

B. Summary Affirmance. When the District Court is hearing an appeal from the Douglas County Court and determines on its own motion that (1) it is confined to plain error review because of appellant’s failure to file a required statement of errors, (2) a detailed opinion would have no significant value upon further review, and (3) one of the following conditions is met:

- a. the judgment is based on findings of fact which are not clearly erroneous;
 - b. the evidence in support of a jury verdict is not insufficient;
 - c. the judgment or order is supported by substantial evidence in the record as a whole;
- or
- d. no error of law appears;

the Court may at its discretion decline to hold a hearing on appeal and affirm the judgment in the following manner: "AFFIRMED. See Dist Ct. Local Rule 4-20."