

On November 23, 2022, the Nebraska Supreme Court approved the following rule amendments to the Rules of the District Court of the Seventh Judicial District, specifically “Rule 7-10. Remote Hearings”:

## District 7

### Rules of the District Court of the Seventh Judicial District

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#### **Rule 7-10. ~~Telephonic Conference~~ Remote Hearings**

~~A. Scope: Any non-evidentiary matter may be heard by telephonic conference if all parties consent to the same. All such hearings shall be recorded by the court reporter.~~

~~B. Request for Hearing: Unless the parties otherwise agree, the hearing shall be arranged and initiated by the party or counsel for the party filing the matter necessitating the hearing. The date, time, and court location of any telephonic hearing shall be arranged through the court’s bailiff or court reporter prior to being set.~~

A. Any and all hearings to be heard by the Court shall be attended by the attorneys and parties, in person, except as otherwise permitted by this Rule.

B. Any remote hearing, whether by teleconference, videoconference, or both, shall only occur with prior court authorization from the District Court judge presiding over the case. This shall include any hearing where either party, their legal counsel, or any witness desires to appear in court utilizing these methods.

C. The following types of hearings may occur by remote teleconferencing or videoconferencing means:

- Criminal pretrial conferences
- Non-evidentiary criminal pretrial motion hearings
- Criminal sentencing hearings when the defendant is in custody
- Civil pretrial conferences
- Non-evidentiary civil pretrial motion hearings

D. The following types of hearings may occur by remote teleconferencing or videoconferencing means, only by way of stipulation of the parties and/or by permission of the Court, at times and dates specifically set by the Court, and on a case-by-case basis.

The Court shall grant permission for remote hearings at its sole discretion:

- Criminal preliminary hearings
- Criminal arraignments
- Criminal bond review hearings
- The taking of or changing of plea(s)
- Appeal hearings
- Juvenile detention hearings
- Harassment, domestic relations, and sexual assault protection order hearings
- Criminal evidentiary hearings
- Civil bench trials
- Civil evidentiary hearings
- Witness testimony during any civil or criminal trial or proceeding before a jury or to the bench
- Weekly drug court hearings
- Drug court termination and/or sanction hearings

E. The following rules shall apply to all videoconferencing hearings. If any party, witness, or attorney appears before the Court by way of videoconferencing, they must adhere to the following rules:

- 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.
- Any person who appears must be located in a room with any and all access doors closed and with no one else in the room, except legal counsel.
- Any and all cell or landline phones must be turned off or disconnected at all times.

- There shall be no distractions from any family member, person, or animal.
- There shall be no television, movie, or any other electronic device turned on such that it provides distraction to the person appearing by way of videoconferencing or to the Court.
- There shall be no video or audio hearing that shall occur if appearance by way of this method violates a person's right of confrontation or any other statutory or constitutional right.
- Attorneys shall be attired in ordinary business wear; all other participants shall be attired in a manner acceptable for an in-person court appearance.
- No person shall smoke, eat, drink beverages, or engage in other distracting conduct while the hearing is in session.
- Microphones of all participants shall be muted at all times unless it is their turn to speak or unless otherwise instructed by the judge.
- Any party may petition the Court and request a hearing, on the record, for relief from, or to amend the proposed procedures, as outlined in this Rule.

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