

On May 15, 2024, the Nebraska Supreme Court approved the following rule amendments to the Rules of the District Court of the Eighth Judicial District, specifically to Rules 8-1, 8-3, 8-4, 8-5, and 8-7:

District 8
Rules of the District Court of the Eighth Judicial District

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Rule 8-1. Organization of the Court

The court shall be divided into two divisions. The Northern Division shall consist of the counties of Blaine, Boyd, Brown, Cherry, Garfield, Holt, Keya Paha, Loup, and Rock. The Southern Division shall consist of the counties of Custer, ~~Garfield~~, Greeley, Howard, ~~Loup~~, Sherman, Valley, and Wheeler.

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Rule 8-3. Motions; Scheduling; Calendar

A. Motions Defined: For purposes of this rule, all pretrial and posttrial motions and similar filings which require a hearing or action by the judge, such as special appearances, demurrers, applications for temporary relief, criminal arraignments, sentencing, hearings on appeal, and orders to show cause, are motions.

B. Motion Days: Motion days for each county shall be held at least monthly, as reflected by the annual published schedule of each division of the court.

~~C. Content of Calendar: The clerk of the district court of each county shall maintain a motion calendar, which shall show the date the motion was filed, the case number, the case name (abbreviated), a short description of the motion, the last names of the attorneys in the case (if the party is not represented by an attorney the clerk shall place the words "Pro Se" in the blank applicable to that party), the date and time assigned for hearing.~~

~~D. Date and Time of Hearing:~~

(1) ~~Prior to~~ Before the filing of any motion, the moving party shall obtain a date and time of hearing for the motion from the clerk of the court or bailiff, as directed by the court. The clerk or bailiff shall schedule the motion for hearing at least 7 days after the motion is filed.

(2) The motion and a notice of hearing shall be served on all other parties and accompanied by proof of service. When filed, the motion shall be accompanied by a notice of the date and time of hearing, and by proof of service of the motion and notice of

~~hearing on all other parties.~~ The court may decline to hear any motion which is not accompanied by such notice of hearing and proof of service.

~~(2) Unless otherwise directed by the court, the clerk shall assign the motion for hearing on the next regular motion day in that county which is at least 5 days, plus any additional time required for service on opposing parties (usually 3 days under § 25-534), after the expected date of filing of the motion.~~

~~E. Preparation and Mailing of Calendar:~~

~~(1) Before the motion day, the clerk shall mail or fax a copy of the motion calendar to the judge and to the official court reporter.~~

~~(2) The clerk may mail or deliver a copy of the motion calendar to any party having a matter on the motion calendar. However, no such mailing or delivery shall substitute for the notice of hearing and proof of service required in paragraph D above.~~

Rule 8-4. Remote Hearings

~~A. All hearings shall be conducted in person, unless otherwise provided.~~

~~B. All remote hearings are subject to the approval of the Court.~~

~~C. All remote hearings will be on the record, except the parties may waive a verbatim record in non-evidentiary hearings. Remote hearings shall be consistent with the public's access to the courts.~~

~~D. Non-evidentiary Hearings:~~

~~1. A party may request to schedule a remote hearing when no evidence will be offered by any party. To request a remote hearing, the movant shall:~~

~~a. File a Motion for Remote Hearing with a Proposed Order;~~

~~b. Certify within the motion that all parties consent to the remote hearing; and~~

~~c. Certify within the motion that no parties will offer evidence.~~

~~2. A party may request to appear by remote technology at non-evidentiary hearings that were not originally scheduled to be heard remotely. To request a remote appearance, the movant shall:~~

~~a. File a Motion to Appear Remotely with a Proposed Order;~~

~~b. File the motion at least 3 business days prior to the hearing;~~

~~e. Certify within the motion that the movant will not offer evidence at the hearing; and~~

~~d. Contact the appropriate clerk/bailiff for hearing arrangements at least 3 business days prior to the hearing.~~

~~E. Evidentiary Hearings Not Involving Oral Testimony.~~

~~1. The Court may, on its own motion, order proceedings not involving the testimony of witnesses by oral examination, to be held using remote technology consistent with Neb. Rev. Stat. § 24-303(2).~~

~~2. The parties may request a remote evidentiary hearing that does not involve the testimony of witnesses by oral examination. The parties must contact the Court to discuss the reasonableness of conducting said hearing remotely.~~

~~3. If allowed, the Court will issue orders governing procedures and requirements of the parties prior to, during, and after the hearing.~~

~~4. Hard copies of the original exhibits and electronic copies of the exhibits must be provided to court reporting personnel at least 3 business days prior to the hearing or they will not be admitted.~~

~~F. Evidentiary Hearings Involving Oral Testimony.~~

~~1. Permission to conduct evidentiary hearings that involve oral testimony will only be granted under extraordinary circumstances.~~

~~2. If allowed, the Court will issue orders governing procedures and requirements of the parties prior to, during, and after the hearing.~~

~~G. The party requesting the remote hearing or appearance shall be responsible for making the arrangements for the remote hearing and shall provide for all expenses.~~

~~H. Uniform District Court Rule 6-1511, "Attire," or Uniform County Court Rule 6-1402, "Attendance and attire," shall apply respectively to court proceedings conducted by remote technology.~~

~~I. The above requirements may be waived for good cause.~~

A. General Conduct.

(1) All hearings shall be conducted in person unless otherwise provided.

(2) All remote hearings are subject to the approval of the court and shall be consistent with the public's access to the courts and as provided by Neb. Rev. Stat. § 24-303(2).

(3) These rules regarding remote hearings may be waived by the court.

(4) All remote hearings shall be on the record unless otherwise provided. The parties may waive a verbatim record for any non-evidentiary hearing as allowed by Neb. Rev. Stat. § 24-303(2) and the Rules of Appellate Practice, § 2-105(A)(1).

(5) The party requesting a remote hearing shall be responsible for making all arrangements which will allow all opposing parties to appear and shall bear all expense for the same.

(6) Uniform District Court Rules § 6-1511(B) regarding attire shall apply to remote hearings.

B. Non-evidentiary Hearings.

(1) A party may request a remote hearing when no evidence will be offered by any party.

To request a remote hearing, the moving party shall:

(a) File a motion and notice of remote hearing, with a proposed order, at least 5 days prior to the scheduled hearing, certifying that all parties consent to the remote hearing and that no evidence will be offered at the hearing.

(b) The moving party shall make all arrangements for the participation of the court and opposing parties at the hearing.

(2) A party may request to appear remotely at a non-evidentiary hearing not originally scheduled as a remote hearing. If a request to appear remotely is desired, the moving party shall:

(a) File a motion, at least 3 days prior to the hearing, with a proposed order allowing the same:

(b) Certify in the motion that the moving party will not offer evidence;

(c) Contact the appropriate court clerk/bailiff/court reporter to obtain a hearing time; and

(d) Contact the court at the scheduled hearing time.

C. Evidentiary Hearings Not Involving Oral Testimony.

(1) The court, on its own motion, may order proceedings not involving the testimony of witnesses by oral examination to be held using remote technology.

(2) A party may request a remote evidentiary hearing that does not involve testimony of witnesses by oral examination. To request a remote hearing, the moving party shall:

(a) File a motion for remote hearing at least 7 days prior to the hearing; and

(b) Certify in the motion that all parties consent to the remote hearing.

(3) If a remote evidentiary hearing involving only documentary evidence is allowed, the party offering documentary evidence shall provide electronic copies of the exhibits in PDF format to the court reporter and all other parties at least 2 business days before the hearing. Failure to comply with this requirement may result in the court refusing to receive such exhibits upon offer.

(4) The court may issue additional orders governing procedures and requirements for each individual hearing.

D. Evidentiary Hearings Involving Oral Testimony.

(1) Any remote hearing involving oral testimony will only be granted upon prior approval of the court based upon extraordinary circumstances.

(2) The party requesting such hearing shall make arrangements to confer with both the court and opposing counsel/parties to discuss orders governing the procedures for such hearing.

Rule 8-5. ~~Stamped Envelope; Signed Copies~~ [Reserved.]

~~Any proposed order, decree, or judgment mailed or delivered to the court shall be accompanied by a stamped envelope preaddressed to the clerk of the court, for use by the court in mailing the signed order to the clerk for filing. Any party desiring the return to such party of a signed, file stamped copy of the order, decree, or judgment, shall provide the necessary copy of the document together with an additional preaddressed, stamped return envelope for the use by the clerk in mailing the signed copy to such party.~~

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Rule 8-7. Continuances

~~In addition to the requirements set forth in Neb. Rev. Stat. § 25-1148 (Reissue 2008), a motion for a continuance shall set forth whether the opposing party has an objection. If the opposing party does not object to the continuance, the party filing the motion shall be responsible for arranging, as soon as practical, a new date and time with all opposing~~

~~parties and the court. If the opposing party does object, it is the responsibility of the party filing the motion to notice the motion for a continuance hearing. Except for exigent circumstances, a motion for a continuance shall be made at least 3 working days prior to the hearing for which the continuance is requested.~~

Except for exigent circumstances, a motion for a continuance shall be filed at least 5 working days before the hearing for which the continuance is requested.

In addition to the requirements outlined in Neb. Rev. Stat. § 25-1148, a motion for a continuance shall set forth whether the non-moving party/parties object to the motion to continue.

If the non-moving party/parties do not object to the motion to continue, the moving party shall obtain a date and time for hearing the matter continued from the clerk of court or bailiff, as directed by the court, and submit a proposed order of continuance in compliance therewith.

If the non-moving party objects to the continuance, the moving party shall obtain an expedited hearing date for the motion to continue from the clerk or bailiff, as directed by the court. The expedited hearing should occur at least 3 days before the scheduled hearing date.

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