

On January 29, 2025, the Nebraska Supreme Court approved the following rule amendments to Workers' Comp. Ct. R. of Proc. 2, 3, 5, and 14:

RULES OF PROCEDURE

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NEBRASKA WORKERS' COMPENSATION COURT

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**RULE 2
FILINGS**

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C. The following privacy rules shall apply to all filings and correspondence received by the court, including pleadings, attachments thereto, and any other documents.

1. These rules seek to prevent personally identifiable information such as birth dates, Social Security numbers, employment visa numbers, green card numbers, passport numbers, drivers' license numbers, state identification numbers, federal employer tax identification numbers (FEINs), state employer tax identification numbers (EINs), and financial account numbers (such as bank routing and account numbers) of all persons, including minor children and dependents, from being included in court records generally available to the public.

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5. No exhibit used at a hearing or trial shall contain the personal or financial account information (including employer tax identification numbers) identified in Rule 2,C,1, including the complete account number for any financial accounts or debts of any party. The same shall be redacted by the person offering the exhibit(s) to the extent necessary to protect the information from public access or misuse. By agreement of the parties, or as directed by the court, financial account information shall be identified in all pleadings, other documents and court orders, judgments, or awards in such a manner as the parties, attorneys, and the court may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

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D. Electronic Filing, Service, and Notice.

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4. ~~Cases may be commenced under Neb. Rev. Stat. § 48-173 or 48-162.03(2) through an E-Filing; however, service of the initial pleading and the summons shall not be made by E-Service. The electronic filing of a petition or initial pleading from which printed copies can be made shall comply with the requirements of Rule 3,A. The court clerk shall print sufficient copies for service with the summons. The summons and any required attachments to the summons shall be provided in printed form by the court clerk and shall be served in accordance with Neb. Rev. Stat. §§ 48-175 and 48-175.01 as applicable.~~

Initial pleadings and service of summons.

Cases may be commenced under Neb. Rev. Stat. §§ 48-173, 48-162.01(5), 48-162.03(2), or 48-139 through an E-Filing. Service of the initial pleading and the summons shall not be made by E-Service. The electronic filing of a petition or initial pleading from which printed copies can be made shall comply with the requirements of Rule 3,A.

- a. Initial pleadings served by summons issued by the court clerk:

The summons and any required attachments to the summons shall be provided in printed form by the court clerk and shall be served in accordance with Neb. Rev. Stat. §§ 48-174, 48-175, and 48-175.01 as applicable. The court clerk shall print sufficient copies for service with the summons for initial pleadings filed pursuant to:

1. § 48-173 petitions;
2. § 48-145.01, when a motion to show cause is filed pursuant to § 48-162.03; or
3. § 48-162.01(5), when a motion is filed pursuant to § 48-162.03.

b. Initial pleadings served by initiating party: All other E-filed initial pleadings pursuant to § 48-139 or § 48-162.03(2) shall be served upon each of the parties by the initiating party consistent with Rule 3,B and E-filing procedures.

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7. Use of E-Filing by an attorney shall constitute compliance with the Rule 3,I signature requirement, and the attorney using E-Filing shall be subject to all other requirements of Rule 3,I and Rule 3,J. Signatures of attorneys, parties, witnesses, and notaries and notary stamps may be typed using the signature format “/s/ [typed name],” and using the stamp format “seal, notary public, State of [state name],” and commission expiration date to satisfy signature and certification requirements on E-filed documents. If the notarial commission of the particular notary public whose seal is being depicted is limited by county, the filing party shall use the stamp format “seal, notary public, State of [state name], County of [county name].” Other seals or stamps, such as those of courts, public bodies, agencies, or officials, or corporations, may be typed using the stamp format “seal, [alphanumeric content of seal].” Photographed pages in any filed document will not be accepted by the court clerk.

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RULE 3 PLEADINGS

A. Except as otherwise required to comply with the Americans with Disabilities Act (ADA), and except for any court forms promulgated or last amended prior to the effective date of this rule, the following rules apply.

The standard form for all pleadings, including, but not limited to, all petitions, answers, motions, forms, proposed orders, briefs, written closing arguments, and other filings, except bills of exceptions, shall be as follows:

1. All documents shall be on a page size measuring 8 ½ by 11 inches, in portrait mode. Electronically-filed documents shall be in a converted PDF (fully text-searchable), rather than only a scanned image PDF format. All electronically-filed documents shall be easily readable. Documents that are not easily readable may be declined by the court clerk or stricken by the trial judge.

2. Documents permitted to be filed in paper form shall follow the same formatting set forth in this rule.
3. Text shall be aligned to the left side and not justified. Margins shall be set to 1.5 inches on all sides, and lines shall be spaced at 1.15 or 1.2. Extra line spacing is allowed before headings and between paragraphs. Footnotes are not permitted.
4. Preferred fonts shall be Century or Century Schoolbook. Other allowed fonts are Times New Roman, Baskerville Old Face, Book Antiqua, or Palatino, and shall be set to no less than 12, nor more than 13, point text. Type shall not be underscored, but may be *italicized* or **boldfaced** for emphasis.
5. Every pleading shall contain a caption setting forth the name of the court, the names of the parties, the docket number, and a title (or the name of the document).
6. All pleadings, including briefs, must be numerically paginated. Page numbering shall begin with the first page of each pleading as page one. Numbering shall be displayed at the bottom of each page except the first page and must comply with Rule 3,A,3. Page numbering for briefs shall begin with the cover page as page one. Page numbering shall be displayed in the bottom margin on every page except the cover page and must comply with Rule 3,A,3.
7. Photographed pages in any filed document will not be accepted by the court clerk. All pleadings must comply with the signature requirements of Rule 2,D,7. See also Rules 2,D,9 and 2,D,10.

Whenever a motion or stipulation is filed, a proposed order shall accompany such motion or stipulation. Proposed orders shall be submitted by separate document. Proposed orders should not include a certificate of service.

B. ~~Every pleading subsequent to the petition~~ Except for pleadings served by the court clerk pursuant to Rule 2,D,4,a, every pleading, every written motion, every document relating to discovery or disclosure, and every written notice, appearance, designation of record on appeal, and similar document shall be served upon each of the parties by the initiating party. Except as provided in Rule 3,F, such party shall file proof of service with the court. Service and proof of service shall be made as follows:

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I. Any pleading or other document filed with, or correspondence received by, the court shall bear the typed or printed name and the signature of the preparer or signatory, the firm name if applicable, the complete address including the zip code, the telephone number, including the area code and the court's docket and page number if one has been assigned to the claim. For any party represented by an attorney, the attorney's email address and Nebraska State Bar Association (Bar) number shall also be stated in the pleading or document. The signature block on any document may designate a fax number to which documents addressed to the signer may be sent by facsimile. The signature block on any document submitted for the pending case may designate an email address to which documents addressed to the signer may be sent electronically. Any changes or updates to contact information for any party or attorney shall be made by notifying the court clerk and the opposing party.

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RULE 5 INTERPRETERS

- A. The court shall appoint an interpreter in any legal court proceeding in order to assist a person who cannot readily understand or communicate the English or spoken language.
- B. Any party needing an interpreter for a party or witness at any legal court proceeding shall allege such need for an interpreter as a separate allegation in a pleading titled "Request for Interpreter" by identifying the party or witness expected to give testimony at the legal proceeding and affirmatively stating that such individual cannot readily understand or communicate the English or spoken language and the language spoken by the party or witness. If an interpreter is required, the Request for Interpreter shall be filed within 30 days after the filing of a petition, or as soon thereafter as the parties become aware of the need for an interpreter.
- C. The employer in the case shall arrange for the interpreter. At least 7 days prior to the legal court proceeding, the employer shall file an affidavit affirming that the interpreter has been selected in accordance with the priorities for use of an interpreter as established in the Nebraska Supreme Court rules relating to court interpreters, Neb. Ct. R. § 6-703. The affidavit shall state the name of the interpreter selected and

the date of the ~~legal~~ court proceeding. The affidavit shall further state that the requested interpreter is (a) a certified or provisionally certified ~~court~~ interpreter pursuant to Neb. Ct. R. ~~§ 6-703(A) §§ 6-705 and 6-706~~, or (b) a registered, noncertified ~~court~~ interpreter pursuant to Neb. Ct. R. ~~§ 6-703(B) § 6-707~~, or (c) a nonregistered, noncertified interpreter who is otherwise competent to interpret in the courts. If the requested interpreter is a registered, noncertified ~~court~~ interpreter, the affidavit shall also state that the requesting party has made diligent efforts to obtain a certified or provisionally certified ~~court~~ interpreter and found none to be reasonably available. If the requested interpreter is a nonregistered, noncertified ~~court~~ interpreter, the affidavit shall state that the requesting party has made diligent efforts to obtain a certified, provisionally certified, or registered interpreter and found none to be reasonably available. Provided, however, in proceedings in which a Spanish interpreter is utilized, only a certified or registered interpreter shall be allowed. In proceedings in which a ~~sign an~~ interpreter is utilized, ~~only an interpreter awarded a Level I or Level II classification by the Nebraska Commission for the Deaf and Hard of Hearing shall be allowed to interpret for a Deaf or hard of hearing person, only a Certified Deaf Interpreter and / or certified Sign Language interpreter qualified pursuant to Neb. Rev. Stat. § 25-2401 et seq., Neb. Rev. Stat. § 20-150 et seq., and Neb. Ct. R. § 6-708 will be allowed.~~

- D. For any single court proceeding scheduled for ~~3~~ 2 hours or more, two foreign language interpreters shall be arranged for and appointed. For any single court proceeding scheduled for more than 1 hour, two ~~sign~~ Sign Language interpreters shall be arranged for and appointed. For any single court proceeding lasting more than 2 hours, if two foreign or Sign Language interpreters are not reasonably available, the interpreter must be given ~~not less than~~ a minimum of a 10-minute break every 30 minutes.

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**RULE 14
EXHIBITS**

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B. Documentary Exhibits.

1. A documentary item of evidence offered in paper form to the court may remain in paper form and shall be easily readable. All exhibits must be single-sided only.

2. All exhibits shall be marked and numbered as provided in Rule 14,A above.
3. Exhibits must also comply with Rule 2,C.
4. Court staff will not print exhibits for the parties, including PDF documents saved to a portable drive (such as a flash drive).
5. A portable drive (such as a flash drive) containing PDF documents will not be accepted as a single exhibit or media exhibit. All documents to be offered as an exhibit must be printed.

C. Media Exhibits; File Formats; Physical Volume of Media Exhibits on Appeal. Media exhibits include digital data files not readily convertible to PDF, digital audio files, digital video files, analog audio tapes, and analog video tapes.

1. A media exhibit offered in an original format to the court may remain in its original format. A media exhibit does not include documents in PDF format saved to a portable drive (such as a flash drive). All exhibits shall be marked and numbered as provided in Rule 14,A above.

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