

On January 23, 2019, the Nebraska Supreme Court approved the following rule amendments to Workers' Comp. Ct. R. of Proc. 2:

RULE 2

FILINGS

- A. No pleading or other document regarding a proceeding of the Nebraska Workers' Compensation Court shall be deemed to be filed with the court until the same has been received and recorded by the clerk of said court at the office of the court in Lincoln, Nebraska. Upon filing of a petition or initial pleading in a case that has not yet been assigned a docket number, such petition or pleading shall include the date and location of injury or alleged injury.
- B. All pleadings or other documents filed with, or correspondence received by, the court shall be stamped or imprinted by the court with the date of receipt. Time limits prescribed by law or these rules shall be calculated from the date of filing as reflected by the receipt date recorded on or with the document or correspondence.
- C. The following privacy rules shall apply to all pleadings or other documents filed with, or correspondence received by, the court.
 - 1. These rules seek to prevent birth dates, Social Security numbers, and financial account numbers of all persons, including minor children and dependents, from being included in court records generally available to the public.
 - 2. Upon filing of a petition or initial pleading in a case that has not been assigned a docket number, the Social Security account number of the claimant shall be provided to the court in a separate document as set forth in Addendum 3 to these rules. Other personal and financial account information identified in Rule 2,C,1 may, if applicable, be provided to the court prior to the issuance of any order, judgment, or award, and shall also be set forth in a separate Addendum 3 document. Such separate document shall be submitted in either electronic form or paper form and shall not be accessible or viewable by the public. The document shall contain, at the top of the first page, the following language, in bold type: **This document is confidential and shall not be made part of the court file or provided to the public pursuant to Workers' Comp. Ct. R. of Proc. 2.** The clerk of the court shall keep the document separate from the case file but accessible to judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in the Nebraska Workers' Compensation Court case management system. If the document is submitted in electronic form, the paper form shall not be submitted.
 - 3. The personal and financial account information identified in Rule 2,C,1 shall not be included in any pleading or document submitted by a party or counsel for filing with the court, except by reference to a separate Addendum 3 document. An Addendum 3

document shall be separately submitted with any such pleading or other document. The Addendum 3 document is mandatory with respect to the information identified in Rule 2,C,1, but a party, attorney, or the court may include in the Addendum 3 document additional personal or financial account information sought to be protected.

4. The personal and financial account information identified in Rule 2,C,1 shall not be included in any court order, judgment, or award, except by reference to a separate Addendum 3 document. Where the court finds that an order, judgment, or award must contain Social Security numbers or other personal or financial account information identified in Rule 2,C,1, the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.
5. No exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same shall be redacted by the person offering the exhibit to the extent necessary to protect the information from 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, counsel, 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.
6. The responsibility for redacting personal and financial account information set forth in Rule 2,C,1 rests solely with counsel and the parties. The clerk of the court shall not be required to review documents for compliance with this rule. If the clerk of the court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which document shall only be available to the court and the parties or the parties' counsel.

D. Electronic Filing and Service System.

1. Definitions.

- a. ~~Electronic Filing System. Electronic filing system (E-Filing System) approved by the Nebraska Workers' Compensation Court for filing of pleadings or other documents via the Internet.~~
- b. a. Electronic Filing. Electronic filing (E-Filing) is the electronic transmission of pleadings or other documents to and from the court via the E-Filing System. , motions or other documents to the Clerk of the Nebraska Workers' Compensation Court (court clerk) via the Internet through the court-authorized service provider, Nebraska.gov. An E-Filed document is a document that has been filed using E-Filing.
- e. b. Electronic Service. Electronic service (E-Service) is the transmission of pleadings or other documents to any party in a case via the E-Filing System electronic transmission of documents to any Nebraska attorney representing a party in a case via E-Filing. ~~E-Service by a party or attorney is not currently available via the E-Filing~~

~~System.~~ Any Nebraska attorney who has registered to use E-Filing thereby agrees to receive E-Service of any document, other than service of initial pleading or summons. E-Service is not currently available via E-Filing. Until such time as E-Service becomes available, an attorney filing a document with the court shall be served upon each party by the initiating party by any of the methods listed in Rule 3,B,1,a through e.

~~d.~~ c. Durable Medium. Durable medium shall be any information storage medium that is created by a durable process. A process shall be the combination of hardware, software, storage media, techniques, and procedures used to manage, create, store, retrieve, and delete information belonging to the party required to maintain the record. A process shall be durable if it meets the following criteria:

- i. The process is capable of creating and storing information for the required records retention period.
- ii. The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process.
- iii. The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form.
- iv. The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.
- v. The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable, and incorruptible manner.
- vi. The process allows the removal of information when it reaches the end of its required retention period.
- vii. The process is documented so as to demonstrate to a reasonable person compliance with these criteria.

~~e.~~ d. Electronic Notice. Electronic notice (E-Notice) is the electronic transmission of notices, opinions, court entries, and any other dispositional ~~order~~ orders or information from the court to all ~~persons~~ users who have registered for E-Notice. E-Notice is not currently available via ~~the E-Filing System.~~ Until such time as E-Notice becomes available, the court shall distribute notices and signed orders via regular mail and file-stamped copies of pleadings via email, fax, or regular mail.

e. User. A user is a person or entity who is making use of one or more of the electronic services as defined in this section.

2. ~~E-Filing is authorized for any pleadings or other documents filed in the Nebraska Workers' Compensation Court except appeal documents and exhibits to be offered at a hearing or trial.~~ E-Filing Registration and E-Service.
 - a. E-Filing is authorized for any pleadings or other documents filed in the Nebraska Workers' Compensation Court except exhibits to be offered at a hearing or trial.
 - b. E-Service shall be used for any E-Filed document to be electronically filed, except for the initial pleading and summons. Documents that are required to be served pursuant to Rule 3,B and in the manner required by Rule 3,B,1 may be served through E-Service or through a combination of E-Service and any other method permitted by Rule 3,B. A document electronically received by the court clerk for service by 11:59:59 p.m. local time shall be deemed to have been served on that date.
 - c. For purposes of Rule 3,B, service by E-Service to any party or Nebraska attorney who has registered to use E-Filing shall constitute service pursuant to Rule 3,B,1.f. For purposes of computing a prescribed period pursuant to Rule 3,B,5, service by E-Service shall constitute service pursuant to Rule 3,B,1.f.
 - d. Attorneys licensed to practice law in Nebraska may register to use E-Filing. Any attorney so registered may make an entry of appearance through E-Filing.
 - e. Registration for E-Filing is mandatory for all Nebraska attorneys making any filing or appearance in the Nebraska Workers' Compensation Court, regardless if the filing is in paper or electronic format. Registration for E-Filing requires an account with the court-authorized service provider, Nebraska.gov, and requires a separate annual maintenance fee as determined by the court-authorized service provider. Registration allows the user to access E-Filing.
 - f. Until such time as the attorney registers for E-Filing, then service of the E-Filed pleading upon that attorney shall be made as required by law pursuant to Rule 3,B.
 - g. Attorneys admitted pro hac vice in a particular case pursuant to Neb. Ct. R. § 3-122 may utilize E-Filing through Nebraska counsel with whom the attorney is associated.
3. ~~Only attorneys licensed to practice law in Nebraska may register to use the E-Filing System.~~ Email addresses.
 - a. Email addresses for all E-Filing services offered by the court or its authorized service provider, Nebraska.gov, cannot exceed 50 characters. Only one email address per attorney user will be permitted for E-Service.
 - b. E-Service shall be sent electronically from the following email address: ne-support@egov.com. User email accounts should be set up to receive all emails from that email address. Do not reply to the above email address. No user may transmit documents to ne-support@egov.com.

- c. After registration with Nebraska.gov, all email addresses shall be maintained through the attorney's Nebraska.gov E-Filing account.
- d. Contact Information. Users are responsible for maintaining valid and up-to-date contact information. When a user's email address changes, the user shall promptly update all email addresses provided for all Electronic Services offered by the court or its service providers. If an E-Filing user has a pending case before the court, the user shall promptly notify all parties of such information change. E-Service upon an obsolete email address shall constitute valid service where the user has not updated his or her email address. Mere usage of a new or different email address in a document filed using E-Filing or in paper format does not satisfy the requirements of this subsection for an update to the user's email address. Court staff will not update users' contact information. Any changes or updates to email addresses must be made by users through E-Filing.
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.
5. Pleadings filed via ~~the E-Filing System~~ shall be submitted in searchable non-editable PDF format. Proposed orders shall be submitted in either editable Microsoft Word format (*.doc or *.docx) or Rich-Text Format (*.RTF) format. Attachments to pleadings may be submitted in any noneditable PDF format. Pleadings or other documents filed via ~~the E-Filing System~~ shall not be secured with a password or encrypted in any fashion.
6. Pleadings or other documents in compliance with applicable filing requirements and electronically received by the court clerk by 11:59:59 p.m. local time shall be deemed to have been filed on that date. The clerk shall notify the filing party of any document that fails to comply with applicable filing requirements.
7. Use of ~~the E-Filing System~~ by an attorney shall constitute compliance with the Rule 3,G signature requirement, and the attorney using ~~the E-Filing System~~ shall be subject to all other requirements of Rule 3,G and Rule 3,H. 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].”

8. Possession of printed documents.
 - a. Except as provided in Rule 2,D,7,b, no pleading or other document may be filed via ~~the E-Filing System~~ unless the filing party first has possession of a printed document or documents bearing original signatures, stamps, and seals as applicable. Such printed documents:
 - i. shall be made available by the filing party for inspection by other parties or the court upon request, but shall not be filed with the court; and
 - ii. shall be maintained by the filing party for a period of two years after the final resolution of the action, including the final resolution of all appeals; and
 - iii. may be maintained by the filing party in either paper form or electronic form. Pleadings or other documents maintained in electronic form shall be stored using a durable medium as defined in Rule 2,D,1,d.
 - b. Where an E-Filed pleading or other document is signed by only the filing attorney in accordance with Rule 2,D,6, the attorney shall not be required to have possession of or maintain a printed document or documents bearing an original signature.
9. An E-Filed pleading or other document shall not be transmitted to the clerk of the court by any other means unless the court requests a printed document bearing original signatures, stamps, and seals.
10. Upon satisfactory proof that E-Filing of a pleading or other document is not completed because of (1) an error in the transmission of the document to the court via ~~the E-Filing System~~ which was unknown to the sending party or (2) a failure to process the electronic filing when received by the court clerk or (3) technical failure in the State Data Communications Network, the court may enter an order permitting the pleading or other document to be filed as of the date it was first attempted to be sent electronically. Notwithstanding the foregoing, no order may be entered under this rule which expands the statutory time period for commencing an action or perfecting an appeal unless there is an affirmative showing that the failure to make a timely filing was due solely to an E-Filing ~~System~~ internal transmission error or a processing error by the court clerk.
11. Upon a showing of substantial good faith compliance with Rule 2,D, the court may waive nonjurisdictional defects in an E-Filing if it finds that no harm has occurred to any party as a result of the defective E-Filing.