

On January 20, 2021, the Nebraska Supreme Court approved the following rule amendments to Workers' Comp. Ct. R. of Proc. 2, 3, and 11:

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 pleadings or other documents filed with, or correspondence received by, the court.

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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~~ attorney 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.

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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~~ 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.

6. The responsibility for redacting personal and financial account information set forth in Rule 2,C,1 rests solely with ~~counsel~~ the attorney(s) 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~~ attorney(s).

D. Electronic Filing, ~~and~~ Service, and Notice.

1. Definitions.

- a. Electronic Filing. Electronic filing (E-Filing) is the electronic transmission of pleadings, motions or other documents to the Clerk of the Nebraska Workers' Compensation Court (court clerk) via the ~~Internet~~ internet through the court-authorized service provider, Nebraska.gov. An E-Filed document is a document that has been filed using E-Filing.

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- d. Electronic Notice. Electronic notice (E-Notice) is the electronic transmission of notices, opinions, court entries, and any other dispositional orders or information from the court to all users who have registered for E-Notice. E-Notice is not currently available via E-Filing. 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 ~~e-mail~~ 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 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 or documents to be filed under seal pursuant to court order.

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- e. Registration for E-Filing is mandatory for all Nebraska attorneys making any filing or appearance in the Nebraska Workers' Compensation Court ("required attorneys"), 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. Failure to register or maintain contact information. Failure by a required attorney to register for E-Filing or to maintain valid and up-to-date contact information as provided for in section 2,D,3,e may be enforced by any appropriate sanction or order of the trial court or appellate court, or by appropriate disciplinary procedure.
- ~~f.~~ g. 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.~~ h. 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. 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 and E-Notice.
- 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. E-Notice shall be sent electronically from the following email address: enotice@wcc.ne.gov. 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 enotice@wcc.ne.gov.
- e. d. After registration with Nebraska.gov, all email addresses shall be maintained through the attorney's Nebraska.gov E-Filing account.
- ~~e.~~ e. 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 and E-Notice 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.
- f. Self-Represented Litigant E-Notice. Self-represented litigants who have internet access and email capability may register for E-Notice in a particular case by using a form developed by the court. Email addresses shall be in compliance with Rule 2,D,3. Any change to email addresses or discontinuation of E-Notice must be made by using a form developed by the court.
- g. Pro Hac Vice E-Notice. Attorneys admitted pro hac vice in a particular case pursuant to Neb. Ct. R. § 3-122 may register for E-Notice by submitting a written request to the court clerk. Email addresses shall be in compliance with Rule 2,D,3. Any change to email addresses or discontinuation of E-Notice must be made in writing to the court clerk.

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RULE 3
PLEADINGS

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- B. Every pleading subsequent to the petition, 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:
 - 1. Service upon an attorney or upon a party not represented by an attorney shall be made by:

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- e. sending it to the person by electronic means if the person being served has designated an ~~e-mail~~ email address pursuant to Rule 3,H; or

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- D. The following shall apply to any motion or similar filing in which a hearing is required:
1. Except as otherwise provided by law, any motion or similar filing in which a hearing is requested shall be in writing and filed with the court clerk not less than five days prior to hearing except by permission of the trial judge.
 2. ~~Counsel at the time of~~ Prior to filing, the moving attorney or self-represented litigant shall obtain a date for hearing from the judge to whom the case is assigned or the judge's secretary and file a notice of hearing with the filing. Unless approved by the judge, a hearing date must be obtained for each motion, even if motions in the same case are already scheduled.
 3. Notice of hearing shall be delivered to the opposing counsel attorney or party, if unrepresented, in accordance with Rule 3,B,1 three full days prior to hearing.
 4. To avoid delays in the progression of a case, the court shall refuse to consider any and all motions, including motions to compel, unless the moving counsel attorney or self-represented litigant, as part of the motion makes a showing that, after personal consultation with ~~counsel~~ the attorney(s) for opposing party(ies) or self-represented litigant and reasonable efforts to resolve differences, ~~counsel they~~ they are unable to reach an accord. This showing shall recite, additionally, the date, time and place of such conference and the names of all participants. ~~The term "counsel" shall include parties acting pro se.~~

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- H. 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. ~~If the document or correspondence has been prepared by legal counsel~~ For any party represented by an attorney, the counsel's attorney's Nebraska State Bar Association number shall also be listed 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 e-mail email address to which documents addressed to the signer may be sent electronically.

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- K. Consolidation of related cases. All motions to consolidate shall be filed in each related docketed case. A hearing on any motion to consolidate will not be required if the parties agree or stipulate that the related cases should be consolidated. The judge assigned to the oldest related docketed case shall enter an order on the stipulation or agreed-upon motion or preside over the hearing on the Motion to Consolidate. Upon entry of an order to consolidate, the judge assigned to the oldest related docketed case shall preside over the consolidated cases unless justice otherwise requires.

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RULE 11

DECISIONS

- A. **Meaningful Review.** Decisions of the court shall provide the basis for a meaningful appellate review. The judge shall specify the evidence upon which the judge relies.

- B. **Official Version.** The official order, award, or judgment of the court shall be the original, signed version which is on file with the clerk of the court.
- C. **Copies Mailed.** A copy of each order, award, or judgment will be mailed to all attorneys and self-represented parties. For any attorney or self-represented party registered for E-Notice, a copy of each order, award, or judgment will instead be sent by E-Notice when E-Notice becomes available.

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