

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court considered proposed amendments to Neb. Ct. R. § 6-101, entitled “Time for disposition of cases in district and county courts”; Neb. Ct. R. § 6-105, entitled “Cases under advisement”; and Appendix 1, entitled “Report of Cases Under Advisement.”

The Nebraska Supreme Court invites interested persons to comment on the proposed rule amendments. Anyone desiring to submit a public comment for the Supreme Court’s consideration should do so via email to wendy.wussow@nejudicial.gov, with the following text listed in the email subject line: **Neb. Ct. R. § 6-101, § 6-105, and Appendix 1**. Comments will be accepted through December 1, 2023.

The full text of the proposal is available below. To obtain a paper copy, please call the Clerk’s Office at 402-471-3731.

CHAPTER 6: TRIAL COURTS

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Article 1: Case Progression Standards.

§ 6-101. Time for disposition of cases in district and county courts.

(A) Cases should be disposed of according to the following time standards:

	A	B	C	D
	Standard	Disposed	Disposed In	Excluded Time
	Disposed In	In		
District Court Civil Non-Jury	NA	90% 1 year	98% 18 mos.	
District Court Civil Jury		90% 1 year	98% 18 mos.	

Domestic Relations NA		50%	95%	Mediation
		180 days	1 year	Parent Education
Post Judgment				
Motions--		50%	95%	
Modification &		180 days	1 year	
Post Convictions				
County Court		90%	99%	
Civil Non-Jury		6 mos.	9 mos.	
County Court		90%	99%	
Civil Jury		12 mos.	18 mos.	
Landlord/Tenant	Restitution	90%	99%	
	99% in 14	60 days	90 days	
	days	Damages	Damages	
			99%	
Small Claims			60 days from	
			Service	
County Court			99%	
Protection Orders			30 Days	
Felony	NA	90%	98%	Warrant, Drug
		6 mos.	1 year	Court
County Court				Warrant, Drug
Criminal	90%	95%	99%	Court
Misdemeanor &	3 months	6 months	9 months	Time from plea to
Traffic				sentencing
Guardianships/		90%	100%	
		60 days	120 days	

Conservatorships
Uncontested

G/C Contested-- Selection of Fiduciary	75%	100%
	90 days	180 days

G/C Contested	75%	100%
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Necessity of Appt.	120 days	240 days
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Probate--No Federal Estate Tax	90%	100%
	12 Months	18 months

Probate with Federal Estate Tax	80%	90%	100%
	15 months	18 months	24 months or within 45 days of IRS closing letter/final order in litigation

<u>Appeals from County Court to District Court</u>		<u>98%</u>
		<u>180 days</u>

The age of a case is measured from the time of filing to the date the trial court entered its judgment/decree, the case is dismissed, the petition is withdrawn, the case is transferred to another court on a change of venue, or the case is otherwise disposed, whichever occurs first. Not included for the purpose of determining the age of the case is the time the case is out of the control of the trial judge, such as the time a warrant is outstanding, a party is undergoing assessment or involved in drug court, a bankruptcy stay is in effect, or parties are pursuing court required mediation or parenting education.

(B) Appropriate procedures should be implemented by the trial judge to meet these standards, and such procedures may include, but are not limited to, the following:

(1) Early identification of cases that may be resolved without delay or that may be protracted, and a process whereby these cases are given special administrative attention when appropriate;

(2) Timeframes for the completion of critical steps in the litigation process, including discovery;

(3) Commencement of trials on a date certain, scheduled with adequate notice to all parties; judges should consider setting more than one trial on a date certain to ensure efficient use of judicial resources while minimizing the numbers of cases that must be reset;

(4) Utilizing early progression orders and mandatory disclosures to shorten the discovery phase and minimize discovery disputes;

(5) Firm, consistent procedures for minimizing continuances.

(C) Each member of the bar shall cooperate with the judiciary in meeting these standards.

(D) All cases shall be assigned to a judge.

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§ 6-105. Cases under advisement.

(A) No later than the 5th day of each month, each judge shall submit a report form with the State Court Administrator which sets forth:

(1) Whether any matter has been under advisement for more than 90 days. For district court judges, this includes appeals from county court to district court.

(2) If so, the title and number of the case, the nature of the matter for decision, the date it was taken under advisement, and the reason it has not been decided.

(B) A matter is taken under advisement on the date all evidence has been received, or if there is no evidence, the date the legal issue has been heard by the judge. If briefing is allowed after the date of the hearing, the date taken under advisement shall be thirty (30) days after the date of the hearing. Time for filing briefs shall not otherwise affect the date the matter is taken under advisement.

(C) If a presentence investigation has been requested, the matter is not under advisement until the presentence investigation report is received by the court. Do not include cases in which a bench warrant has been issued.

(D) The Report of Cases Under Advisement form shall be the form prescribed by Appendix 1. The completed form shall be transmitted electronically to the electronic mail address specified in Appendix 1.

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Report of Cases Under Advisement

Reset Form

TO: Nebraska Supreme Court
Administrative Office of Courts and Probation
nsc.advisementreports@nebraska.gov

FROM: _____

District Judge County Judge Juvenile Judge WCC Judge

MONTH ENDING: _____

All judges:

- I have no matters which have been under advisement for more than 90 days. For district court judges, this includes appeals from county to district court.
- I have _____ matter(s) which has/have been under advisement for more than 90 days. See Neb. Ct. R. § 6-105 (do not include cases in which a presentence investigation has been requested, but has not been received by the court; do not include cases in which a bench warrant has been issued). (For appeals to district court, do not include appeals in which the transcript and/or bill of exceptions have not been filed). *Provide case description below. To report more than one case, click on button below for additional form(s).*

District Court judges only:

I have _____ appeal(s) from the county court under advisement (do not include appeals in which the transcript and/or bill of exceptions have not been filed). ~~Provide case description below. To report more than one case, click on the button below for additional form(s).~~

Case No.: _____ Case Caption: _____

Location of hearing: _____

Date taken under advisement: _____

Date appeal filed (district court judges only): _____

Describe nature of matter and reason(s) not decided:

Please submit reports no later than the 5th of each month. All reports must be submitted via email to nsc.advisementreports@nebraska.gov.

**ADDITIONAL PAGE FOR
REPORT OF CASES UNDER ADVISEMENT**

Case No.: _____ Case Caption: _____

Location of hearing: _____

Date taken under advisement: _____

Date appeal filed (district court judges only): _____

Describe nature of matter and reason(s) not decided:

Case No.: _____ Case Caption: _____

Location of hearing: _____

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Date appeal filed (district court judges only): _____

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Date taken under advisement: _____

Date appeal filed (district court judges only): _____

Describe nature of matter and reason(s) not decided:

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Date taken under advisement: _____

Date appeal filed (district court judges only): _____

Describe nature of matter and reason(s) not decided:

Dated this _____ day of _____, 20____. /s/ _____

(signature)