

NOTICE OF COMMENT PERIOD

On June 22, 2022, the Nebraska Supreme Court considered adding Neb. Ct. R. § 6-105, entitled “Cases under advisement,” to the Nebraska Court Rules; moving the Report of Cases Under Advisement to Chapter 6, Article 1, and renumbering it as Appendix 1; and deleting Appendix B in Chapter 5, Article 3, in the Nebraska Revised Code of Judicial Conduct. The Nebraska Supreme Court directed that the proposed amendments be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to wendy.wussow@nebraska.gov, with Neb. Ct. R. § 6-105 listed in the subject line, no later than August 1, 2022.

The full text of the proposed amendments are available below, or a paper copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

CHAPTER 6: TRIAL COURTS

Article 1: Case Progression Standards.

....

§ 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.

(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)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.

....

Report of Cases Under Advisement

Reset

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.
- I have _____ matter(s) which has/have been under advisement for more than 90 days (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). *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: Lines Remove Lines

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**

Lines Remove Lines

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: _____

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: _____

Date taken under advisement: _____

Date appeal filed (district court judges only): _____

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

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

Lines Remove Lines

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: _____

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: _____

Date taken under advisement: _____

Date appeal filed (district court judges only): _____

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

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

In Remove

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: _____

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: _____

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)

CHAPTER 5: JUDGES

....

Article 3: Nebraska Revised Code of Judicial Conduct. (Effective January 1, 2011).

Appendix B. Reports of Cases Under Advisement.

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.~~

(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.~~

~~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. Time for filing briefs is not considered.~~

....

Appendix CB. Judicial Financial Interest Statement.

....