

NOTICE OF COMMENT PERIOD

The Nebraska Bench-Media Committee submitted proposed amendments to Neb. Ct. R. § 6-2001 et seq., Rules for Expanded News Media Coverage in Nebraska Trial Courts. 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 e-mail to wendy.wussow@nebraska.gov, with the rule section(s) listed in the subject line, no later than June 10, 2020.

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

CHAPTER 6: TRIAL COURTS

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Article 20: Rules for Expanded News Media Coverage in Nebraska Trial Courts.

§ 6-2001. Scope, limitations, and effective date.

Expanded news media coverage shall be permitted in the county and district courtrooms in Nebraska courts, except as otherwise provided for within these rules.

The Nebraska Juvenile Code is founded in serving the best interests of the child through protecting privacy, nonpunitive interventions, and rehabilitative outcomes. In support thereof, expanded news media coverage is not authorized in actions pending in Nebraska's juvenile courts.

The official record of all judicial proceedings are the exclusive duty of the official court reporters and courtroom clerks pursuant to Neb. Ct. R. § 1-201 et seq.

Expanded news media coverage within a courtroom is prohibited by anyone other than court personnel and those authorized under these rules.

~~These rules shall become effective on March 1, 2017.~~

§ 6-2002. Definitions.

(A) "Expanded news media coverage" includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating news in any medium. Expanded news media coverage is limited to the news media unless otherwise ordered by the judicial officer. Electronic device notetaking does not constitute expanded news media coverage. See § 6-2003(M).

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§ 6-2003. General.

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(F) Excluded judicial proceedings. Expanded news media coverage is prohibited in:

(1) pretrial criminal motions;

~~(2) grand juries;~~

~~(3) (2) juvenile court;~~

(4) ~~(3)~~ criminal and civil cases where the plaintiff and/or defendant is under 19 years of age at the time of the judicial proceeding except in criminal cases in which the defendant, although a minor, is charged as an adult and the court has approved expanded news media coverage for that case/proceeding;

~~(5) (4) dissolution/divorce/modification/child support enforcement;~~

~~(6) (5) adoptions;~~

~~(7) (6) paternity cases;~~

~~(8) (7) protection order hearings;~~

~~(9) (8) guardianship/conservatorship/probate cases;~~

~~(10) (9) trade secret cases; and~~

~~(11) (10) criminal and civil jury selection as further defined in § 6-2003(G); and~~

~~(12) (11) grand juries.~~

Exceptions may be granted for subsections (1) through (10) when consent is obtained from all parties subject to the discretion of the court.

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(M) Electronic device notetaking. Electronic device notetaking does not constitute expanded news media coverage under these rules and, therefore, shall be allowed by the court, with the following limitations:

(1) Notetaking includes the typing of notes during court proceedings; or, the audio recording of court proceedings to be utilized only to check for accuracy of news reporting.

(2) No audio recording of any kind shall be made of testimony provided by a child victim, a victim of sexual abuse or sexual assault as provided under § 6-2003(D)(2), a victim of domestic violence, or if the judicial officer denied expanded news media coverage of a witness under § 6-2003(D)(1).

(3) Any dissemination of a copy of an audio recording made for purposes of notetaking requires permission under § 6-2004.

§ 6-2004. Procedural.

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(B) Advance notice of coverage.

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The request shall be filed at least seven business days in advance of the first time the proceeding in which expanded media coverage is requested is scheduled to begin. If the judicial proceeding is scheduled sooner than seven business days before the request, notice of the request shall be given as soon as practicable. An approved request for expanded media coverage of all proceedings along with all subsequent permissible proceedings (within that particular level of the court system) is authorized without additional notice subject to the court's determination that there is good cause to limit or terminate coverage for a particular hearing. If the case moves to a different level of the court system (e.g., from county court to district court), a new request for expanded news media coverage must be submitted in the new court of jurisdiction.

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