

Technical rule amendments adopted November 17, 2021, to the rule amendments adopted June 9, 2021, all effective January 1, 2022.

CHAPTER 6: TRIAL COURTS

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Article 14: Uniform County Court Rules of Practice and Procedure.

(The County Court General Rules were adopted in July 1985. Renumbered and codified as §§ 6-1401 to 6-1463, effective July 18, 2008.)

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§ 6-1406. Withdrawal of counsel. (A) Upon motion for withdrawal and notice to all counsel and the client involved, an attorney who has appeared of record in a case may be given leave to withdraw for good cause shown after filing with the clerk the motion, notice of hearing, and proof of service upon opposing counsel and the client involved. The motion shall certify that that counsel has served the motion on the client and all counsel or self-represented parties, and shall include the client's current mailing address and whether there is a hearing currently scheduled in the matter.

(B) [Reserved].

(C) When an attorney is discharged by his or her client, the attorney shall forthwith file notice thereof in the case and serve all opposing counsel and/or self-represented parties.

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§ 6-1408. Pleadings.

(A) All pleadings filed electronically with the county court shall comply with Neb. Ct. R. App. P. § 2-103, (General formatting and service rules), as to page size, text, fonts, margins, and hyperlinking and bookmarks.

(B) Paper pleadings may only be filed when the self-represented party is not a registered user of the court-authorized service provider. All pleadings filed in paper format shall be on white 8½- by 11- inch paper, printed on only one side of each sheet, and shall be bound by a paper clip and not stapled. Paper pleadings shall comply with all formatting requirements of § 2-103(A), and pages shall be sequentially numbered with placement of the page number at the bottom center of the page. ~~in not less than 12 point font or type which is black in color, and double spaced.~~ Margins shall be at least 1 inch at the sides, top, and bottom. Exhibits attached to pleadings shall be similarly prepared in permanent form, shall be readable, and shall not be subject to unusual fading or deterioration.

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§ 6-1451. County court records; review; copies at litigant's expense.

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(E) Any person who does not have access to the court-authorized service provider is entitled to inspect the electronic transcript and bill of exceptions ~~in his or her case~~ at the office of the clerk of the trial court at the computer terminal provided. Confidential or sealed records shall not be inspected except by leave of court. Paper copies of a transcript or bill of exceptions shall not be prepared by court staff unless the requestor pays for a copy of the requested record at the prescribed rate for copies.

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§ 6-1452. Appeals taken from the county courts.

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(B) Bills of Exceptions.

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(5) Preparation and delivery.

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(c) Request for Extension. If the bill of exceptions cannot be prepared within the time allowed by § 6-1452(B)(8)(b), the district court may grant additional time for preparation.

(i) The court reporting personnel shall file a request with the clerk of the district court for additional time at least ~~1 week~~ 7 days prior to the date the bill of exceptions is due to be filed.

(ii) ~~The request shall be in the form of a pleading, captioned and bearing the district court case number.~~ The request shall specify the length of time requested for the extension and shall bear the signature of the court reporting personnel. A certificate of the court reporting personnel shall accompany the request for extension of time and shall set forth the reasons why the bill of exceptions cannot be completed by the date due.

(iii) Copies of the request shall be served on all parties to the action or their attorneys at the time the request for extension of time is filed, and a copy delivered to the county court judge who heard the matter.

(iv) The district court shall rule upon the request as soon as possible. The clerk of the county court shall be notified of the decision as soon as possible, but not later than 2 business days after the decision.

(v) Requests for extension shall be allowed only upon a showing of good cause, and first extensions of time shall not be routinely granted.

(6) Settlement, signature, and allowance. When the bill of exceptions has been prepared, it shall be reviewed to determine whether the bill of exceptions conforms to applicable rules and is an accurate transcription of the recording of the proceedings. Those persons who complete the review shall make the following certifications:

(a) ~~The court stenographer or court reporting personnel shall sign a certificate certifying that it conforms to the applicable rules and is an accurate transcription of the recording. The court stenographer or court reporting personnel shall include the certificate with the bill of exceptions. The court stenographer or court reporting personnel shall transmit the bill of exceptions to the court clerk using the court reporting personnel filing portal through the court authorized service provider.~~

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(11) Settlement of Case. The party requesting the preparation of the bill of exceptions may, at any time before the bill of exceptions is completed, file with the clerk magistrate a written notice advising the court that settlement has been reached. Upon receipt of the notice, the clerk magistrate shall provide the notice to the court reporting personnel and to the district court clerk. The clerk magistrate shall record such action on the register of actions. Upon receipt of such notice, court reporting personnel shall cease any further work upon the bill of exceptions. Court reporting personnel shall be entitled to payment by the party ordering such bill of exceptions for the work performed up to the time that such notice was sent to the court reporting personnel and rules with regard to payment of the fees to the court reporting personnel for the bill of exceptions, as otherwise provided herein, shall apply.

(12) Any request for preparation of a bill of exceptions or supplemental request for bill of exceptions filed after January 1, 2022, shall be governed by these rules regardless if the matter was held, heard, or determined prior to January 1, 2022.

(C) Direct appeals from county courts to the Court of Appeals or Supreme Court. The Supreme Court and Court of Appeals Rules of Appellate Practice, Neb. Ct. R. App. P. § 2-101 et seq., shall be followed in appeals from the county courts.

(1) Payment of docket fee. The docket fee in the Court of Appeals or Supreme Court set by Neb. Rev. Stat. § 33-103 shall be first deposited with the clerk of the county court, who shall record receipt of the fee. The clerk of the county court shall then submit the fee to the Clerk of the Supreme Court and Court of Appeals for the docket fee. If the county is to pay the fee (filing in forma pauperis), then the docket fee is not prepaid.

(2) Processing appeals in the Court of Appeals or Supreme Court. Appeals from the county court will be processed in the same manner as other appeals. The county court transcript shall be certified by the clerk as a true copy of the proceedings contained therein. ~~See Appendix 3.~~

(3) Notification of decision. The county court will be officially notified of the action of the appellate court through the mandate issued by the Clerk of the Supreme Court and Court of Appeals.

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§ 6-1464. Protection of personal and financial information in civil court records.

The following privacy rules shall apply to all pleadings, documents, exhibits, court orders, judgments, and decrees filed in all civil actions in the county courts of Nebraska:

(A) This rule seeks to prevent birth dates, gender, Social Security numbers, and financial account numbers of all persons, including minor children, from being included in court records generally available to the public.

(B) Separate document. The personal and financial information identified in § 6-1464(A) shall be set forth in a separate document as set forth in Appendices ~~7, 8, and 11~~ 4, 5, and 8 to these rules. Appendix ~~7~~ 4 shall be used in general civil cases filed in the county court, and Appendices ~~8~~ 5 and ~~11~~ 8 shall be used in any case filed in the county court arising under Chapter 30 of the Nebraska Revised Statutes.

(1) Electronic submission. Such separate document shall be submitted electronically as provided by Neb. Ct. R. § 2-210.

(2) Paper submission. If the document is submitted in paper form, it 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 Neb. Ct. R. § 6-1464.** The clerk of the court shall keep the document separate from the case file but accessible to judges and court staff.

(3) Storage of document and/or data. 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 JUSTICE or other court case and financial management system. Such electronic document, image, or data shall be electronically marked and shall not be accessible or viewable by the public, except as expressly authorized by written court order.

(4) Access to documents and/or data by government agencies and officials. Unless otherwise provided by statute, court rule, or court order, access to such electronic documents, images, or data by governmental agencies and officials shall be implemented by agency agreements approved by the

Nebraska Supreme Court. Application for access to such electronic document, image, or data by government agencies and officials shall be made by such agency or official on the form provided at Appendix ~~40~~ 7, which shall include all information as requested on Appendix ~~40~~ 7.

(C) The personal and financial information identified in § 6-1464(A) 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 Appendix ~~7, 8, or 11~~ 4, 5, or 8 document. An Appendix ~~7, 8, or 11~~ 4, 5, or 8 document shall be separately tendered with any such pleading or other document, and if the Appendix ~~7, 8, or 11~~ 4, 5, or 8 document is submitted in electronic form, it shall be identified in the filing transmittal as a confidential Appendix ~~7, 8, or 11~~ 4, 5, or 8 submission. The forms in Appendices ~~7, 8, and 11~~ 4, 5, and 8 are mandatory with respect to the information identified in § 6-1464(A), but a party, attorney, or court may include in the Appendices ~~7, 8, and 11~~ 4, 5, and 8 forms additional personal or financial information sought to be protected.

(D) The personal and financial information identified in § 6-1464(A) shall not be included in any court order, judgment, or decree, including, but not limited to, any decree of dissolution of marriage, decree of legal separation, order of paternity, qualified domestic relations order, or other child support order or order of modification, except by reference to a separate Appendix ~~7, 8, or 11~~ 4, 5, or 8 document. Where the court finds that an order, judgment, or decree must contain Social Security numbers or other personal information stated in § 6-1464(A), the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.

(E) 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 decrees in such a manner as the parties, counsel, court, and jury may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

(F) The name, birth date, gender, and Social Security number information of parties sought to be protected by this rule may be furnished to the clerk of the court by the parties prior to issuance of any order or decree. This information shall be furnished by submitting the form provided in Appendix ~~7, 8, or 11~~ 4, 5, and 8. Protection of this information shall be as set forth in § 6-1464(B). Where a party or counsel is required by statute or rule to furnish information identified in § 6-1464(A) to a court or clerk of the court but such information is not required to be filed, the clerk of the court shall not place such information in the court file or allow such information to be accessible to the public.

(G) The responsibility for redacting personal and financial data set forth in § 6-1464(A) 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 a 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.

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§ 6-1466. Protection of personal and financial information in criminal records.

The following privacy rules shall apply to all pleadings and documents filed in all criminal actions in the county courts of Nebraska.

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(C) Victim Information. Personal identifying information, other than a victim's name, shall be prevented from being disclosed on pleadings and documents filed in criminal actions that may be available to the public. Victims eligible for protection are defined in Neb. Rev. Stat. § 29-119. The Crime Victim Information Form, as set forth in Appendix ~~13~~10 shall:

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§ 6-1468. Practice standards for guardians ad litem for juveniles in juvenile court proceedings in county courts.

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(E) Duties of Guardian Ad Litem.

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(3) Report and recommendations to court.

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(c) To assist the guardian ad litem in preparing the written report, the guardian ad litem shall use the "Report of Guardian Ad Litem" form found at Appendix ~~12~~9.

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