

On October 19, 2016, the Nebraska Supreme Court adopted the following rule amendments to the Electronic Filing and Service System in Appellate Courts rules, which are found at Neb. Ct. R. App. P. §§ 2-200 through 2-225:

Article 2: Electronic Filing and Service System in Appellate Courts.

Implementation period.

Appellate E-Filing and appellate E-Service are authorized on an interim basis as set forth in a schedule set by the Nebraska Supreme Court. At the discretion of the Chief Justice, appellate E-Filing and appellate E-Service may be suspended in certain courts that are experiencing technical difficulties.

System-To-System Transfers from the trial court to the appellate court are authorized on an interim basis as set forth in a schedule set by the Nebraska Supreme Court. At the discretion of the Chief Justice, System-To-System Transfers may be suspended in certain courts that are experiencing technical difficulties.

Preface.

These ~~interim~~ electronic filing and service rules recognize that documents in proceedings before the Nebraska Supreme Court and the Nebraska Court of Appeals may be filed, served, noticed, and preserved in an electronic format in lieu of the traditional paper format and prescribe the practices and procedures that shall be followed in connection with the filing and service of electronic documents and notices. The provisions for appellate E-Filing and appellate E-Service do not apply to parties who are proceeding pro se. The Nebraska Court Rules of Appellate Practice shall be fully applicable to appellate e-filed documents to the extent those rules are not modified by the rules in § 2-200 et seq. For example, existing filing deadlines and fee requirements generally are retained. These rules are organized to correspond, to the greatest extent possible, with the related rules in Article 1 of this Chapter.

§ 2-200. Definitions.

~~(A) Appellate Court Electronic Filing System. Electronic filing system (appellate E-Filing System) approved by the Nebraska Supreme Court for filing of certificates, briefs, motions, transcripts, bills of exceptions, presentence investigation reports, and other papers (documents) by attorneys, court reporters, and probation offices via the Internet through the court authorized service provider.~~

~~(B) Electronic Filing.~~

~~(1) Appellate Court Electronic Filing (appellate E-Filing) is the transmission of documents to the Clerk of the Supreme Court and Court of Appeals via the appellate E-Filing System. All documents electronically received by the Clerk of the Supreme Court and Court of Appeals by 11:59:59 p.m. Central time shall be deemed to have been filed on that date.~~

~~—(2) Trial Court Electronic Filing (trial E-Filing) is as defined in Neb. Ct. R. § 6-401(B). Any court, commission, or tribunal that has its own E-Filing rules approved by the Nebraska Supreme Court shall be included as a trial court for purposes of trial E-Filing within the meaning of these rules.~~

Electronic filing (E-Filing) is the transmission of pleadings, motions, and other documents (Documents) to the Clerk of the Supreme Court and Court of Appeals via the Internet through the court-authorized service provider. An E-Filed document is a Document which has been filed using E-Filing.

~~(C) (B) Appellate Court Electronic Service. Appellate Court Electronic Service (appellate E-Service) is the transmission of documents via the appellate E-Filing System. Any attorney who has registered to use the appellate E-Filing System thereby agrees to receive service of any document via the appellate E-Filing System. All documents electronically received by the appellate E-Filing System for service by 11:59:59 p.m. Central time shall be deemed to have been served on that date. Where a participating attorney uses appellate E-Filing to file a document, service on any other participating attorney shall be made and proved by appellate E-Service. Where service is required upon a nonparticipating attorney or upon an unrepresented party, the participating attorney shall use appellate E-Service to generate the proof of service and shall certify therein the actual method of service used to serve the nonparticipating attorney or unrepresented party. Electronic service (E-Service) is the electronic transmission of Documents to any Nebraska attorney representing a party in a case. Any Nebraska attorney who has registered to use E-Filing thereby agrees to receive E-Service of any Document, other than service of a summons or initial pleading.~~

(C) Electronic Notice. Electronic notice (E-Notice) is the electronic transmission of notices, opinions, court entries, and any other dispositional order or information from the court to all users who have provided a valid e-mail address for E-Notice under § 2-220.

(D) Durable Medium. Durable medium shall be any information storage medium that is created by a durable process. A process shall be the combination of hardware, software, storage media, techniques, and procedures used to manage, create, store, retrieve, and delete information belonging to the party required to maintain the record. A process shall be durable if it meets the following criteria:

(1) The process is capable of creating and storing information for the required records retention period.

(2) The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process.

(3) The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form.

(4) The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.

(5) The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable, and incorruptible manner.

(6) The process allows the removal of information when it reaches the end of its required retention period.

(7) The process is documented so as to demonstrate to a reasonable person compliance with these criteria.

~~Appellate Court Electronic Notice. Appellate Court Electronic Notice (appellate E-Notice) is the electronic transmission of notices, opinions, minute entries, court calls, and any other dispositional order or information from the Clerk of the Supreme Court and Court of Appeals to any attorney who has registered his or her e-mail address with the Clerk of the Supreme Court and Court of Appeals under § 2-220.~~

(E) Portable Document Format.

~~(1) Portable document format (PDF) is an open standard for electronic document exchange maintained by the International Organization for Standardization (ISO). A PDF is an electronic file, bearing the file extension “.pdf” containing a computer readable, ready to print image of a document, capable of being viewed with a recent version of Adobe Reader or similar software.~~

~~(2) Original documents E-Filed through appellate E Filing, such as motions or briefs, must be generated from their electronic source documents (such as word processing files) in portable document format (PDF) format by appropriate software and may not be scanned from paper that shall have the characteristics required by the court-authorized service provider. ~~Otherwise, the text of any scanned documents must be searchable by optical character recognition, or provided to the Clerk of the Supreme Court and Court of Appeals with a request for optical character recognition. The Clerk of the Supreme Court and Court of Appeals may require the re-scanning, optical character recognition, or re-creation of any PDF that reached the Clerk of the Supreme Court and Court of Appeals in unreadable condition or in violation of these Rules. This requirement does not apply to certified, notarized, or authenticated documents; scanning of such documents without optical character recognition is acceptable.~~~~

~~(3) PDF documents filed through appellate E Filing shall not be secured with a password or encrypted in any fashion. Any document filed through appellate E filing that is secured with a password or encrypted in any fashion may be rejected as set forth in § 2-222.~~

(F) JUSTICE. Judicial User System To Improve Court Efficiency (JUSTICE) is the Nebraska Supreme Court’s Case and Financial Management System for Nebraska trial courts.

(G) SCCALES. Supreme Court and Court of Appeals Legal Entries System (SCCALES) is the Nebraska Supreme Court’s Case and Financial Management System for Nebraska appellate courts.

(H) ~~E-Mail Address:~~

~~(1) Any attorney registered for appellate E Notice shall receive all correspondence electronically from the following e-mail address: nsc.justicebas@nebraska.gov. User e-mail accounts should be set up to receive all e-mails from that e-mail address.~~

~~(2) Any attorney registered for trial and appellate E Filing and E Service shall receive all correspondence electronically from the following e-mail address: ne-support@egov.com. User e-mail accounts should be set up to receive all e-mails from that e-mail address.~~

System-To-System Transfer. The transfer of information and documents from JUSTICE to SCCALES or from SCCALES to JUSTICE. At the discretion of the Chief Justice, System-To-System Transfers may be suspended in certain courts that are experiencing technical difficulties. Upon development of software and upon implementation and approval by the Nebraska Supreme Court, reference to JUSTICE herein shall include other case-management systems maintained by any other court, commission, or tribunal in the State of Nebraska.

~~(I) System To System Transfer. System To System Transfer is the electronic transfer of transcripts, certified copies of notices of appeal, and other case information between the trial courts and the appellate courts via JUSTICE and SCCALES. Upon development of software and upon implementation and approval by the Nebraska Supreme Court, reference to JUSTICE shall include other case management systems maintained by any other court, commission, or tribunal in the State of Nebraska.~~

User. A user is a person or entity who is making use of one or more of the electronic services as defined in § 2-200. Any user who is not a Nebraska attorney may only use electronic services as expressly authorized by this Rule.

§ 2-201. Docketing the case.

(A) Perfecting the Appeal. The documents necessary to perfect an appeal as referenced in § 2-101(A) cannot be ~~filed through appellate E-Filing~~ E-Filed to the Clerk of the Supreme Court and Court of Appeals, but must be filed with the clerk of the trial court, either by ~~trial~~ E-Filing or by the procedure set forth in § 2-101(A).

(B) Forwarding to Supreme Court and Court of Appeals. As allowed by the schedule implemented by the Supreme Court and when available electronically, ~~the~~ clerk of the trial court shall transmit the items specified in § 2-101(B) to the Clerk of the Supreme Court and Court of Appeals through System-To-System Transfer using JUSTICE procedures. The check required by § 2-101(B)(4) shall be processed as an ACH payment from the clerk of the trial court to the Clerk of the Supreme Court and Court of Appeals.

(C) [Reserved.]

(D) [Reserved.]

(E) [Reserved.]

(F) Attorneys of Record.

~~(4) The withdrawal of appearance at the appellate level referenced in § 2-101(F)(1) may be E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2) and served through appellate~~ Where E-Filing is used to file a withdrawal of appearance, service shall be made and proved through E-Service.

~~(2) All registered attorneys of record are required to keep the Clerk of the Supreme Court and Court of Appeals advised of their current e-mail address during the pendency of an appeal in the Supreme Court or Court of Appeals for use in notification of all court orders. See § 2-220(C).~~

(G) [Reserved.]

§ 2-202. Court of Appeals.

(A) [Reserved.]

(B) Petition to Bypass.

(1) Filing and Service of Petition to Bypass. A petition to bypass review of the Court of Appeals and the accompanying brief referenced in § 2-102(B) may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a petition to bypass review of the Court of Appeals, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-102(B). The requirement of § 2-102(B)(1) for filing a copy shall not apply to a petition to bypass and accompanying brief filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(2) Objection. Any objection to the petition to bypass may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file an objection to a petition to bypass, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically

generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-102(B)(2). The requirement of § 2-102(B)(2) for filing a copy shall not apply to an objection and brief filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(3) [Reserved.]

(4) [Reserved.]

(C) [Reserved.]

(D) Briefs. Appellate briefs as referenced in § 2-102(D) may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~ and served through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-102(D). The requirement of § 2-102(D) for filing a copy shall not apply to appellate briefs filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(E) Opinions. Any ~~counsel~~ user registered for E-Notice ~~shall~~ may receive a copy of the court's opinion in an electronic form.

(F) Petition for Further Review by Supreme Court.

(1) The filing of a petition for further review and memorandum brief, referenced in § 2-102(F)(1), together with any filing fee, may be ~~E-Filed through appellate E-Filing~~. The requirement of § 2-102(F)(1) for filing a copy shall not apply to a petition for further review and memorandum brief filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(2) ~~Form. The petition for further review and memorandum brief in support shall be filed in the format specified by § 2-200(E)(2).~~ [Reserved.]

(3) [Reserved.]

(4) Response. Any response to any petition for further review may ~~also be E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. The requirement of § 2-102(F)(5) for filing a copy shall not apply to a response filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(5) Filing and Service. Any petition for further review, accompanying brief, or response may be ~~E-Filed and served through appellate E-Filing and appellate E-Service~~. Where ~~appellate~~ E-Filing is used to file a petition for further review, accompanying brief, or response, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-102(F)(5). The requirement of § 2-105(F)(5) for filing a copy shall not apply to a petition for further review, accompanying brief in support, and responses filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(6) [Reserved.]

(7) [Reserved.]

(G) [Reserved.]

(H) Briefs and Oral Argument on Further Review by Supreme Court. Any supplemental briefing in any case in which further review by the Supreme Court is granted, whether or not such briefing is ordered by the Supreme Court, may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a supplemental brief, service shall be made and proved through

~~appellate E-Filing~~ Service. The proof of service automatically generated in ~~appellate E-Filing~~ Service replaces the proof of service required by § 2-102(H). The requirement of § 2-102(H) for filing a copy shall not apply to supplemental briefs or additional briefs filed and served through ~~appellate E-Filing~~ and ~~appellate E-Service~~.

§ 2-203. Court-appointed counsel in criminal cases.

(A) [Reserved.]

(B) Motion to Withdraw. The motion to withdraw referenced in § 2-103(B) may be E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2). Where ~~appellate E-Filing~~ is used to file a motion to withdraw, service shall be made and proved through ~~appellate E-Service~~. The requirement of § 2-103(B) for service upon the defendant by certified mail to the defendant's last-known address is not changed by this rule, except that proof of such service shall be made through ~~appellate E-Service~~. The proof of service automatically generated in ~~appellate E-Service~~ replaces the proof of service required by § 2-103(B). The requirement of § 2-103(B) for filing a copy shall not apply to a motion to withdraw filed and served through ~~appellate E-Filing~~ and ~~appellate E-Service~~.

§ 2-204. Transcript.

(A) How Ordered; Contents.

(1) Upon E-Filing the notice of appeal through the trial E-Filing System with the clerk of the trial court, the appellant shall also E-File a praecipe through trial E-Filing with the clerk of the trial court from which the appeal is taken directing the clerk of the trial court to prepare the transcript. Except as otherwise provided by § 2-104(A)(1)(b), (c), and (d), only documents identified by the requesting attorney party shall be included by the clerk in the electronic transcript.

(2) [Reserved.]

(3) The transcript shall be electronically prepared by the clerk of the trial court using JUSTICE procedures. Except as otherwise provided by § 2-104(A)(1)(b), (c), and (d), the clerk of the trial court shall select only the documents identified on the praecipe for preparation of the transcript. If the request is made for documents that have already been transmitted to the Clerk of the Supreme Court and Court of Appeals pursuant to § 2-101(B), such documents shall be included in the electronic transcript despite the last sentence of § 2-104(A)(3). If request is made for documents not present in the record of the case, the clerk of the trial court shall certify that absence to the Clerk of the Supreme Court and Court of Appeals using JUSTICE procedures. The transcript shall be submitted from the trial court to the Clerk of the Supreme Court and Court of Appeals by System-To-System Transfer.

(B) Form. The electronic transcript shall be compiled using JUSTICE procedures.

(C) Supplemental Transcript. A request for a supplemental transcript may be E-Filed with the clerk of the trial court and served through trial E-Filing. Where E-Filing is used to request a supplemental transcript, service shall be made and proved through E-Service. Supplemental transcripts shall be submitted by the trial court in the same form as electronic transcripts using JUSTICE procedures. Requests for supplemental transcripts shall be limited to only those documents missing from the original transcript and necessary to the proper presentation of the case in the appellate courts.

(D) Cases Previously Before the Court. If a case has been appealed previously and a transcript filed in the appellate court in the earlier case, the electronic transcript in the new appeal may contain duplicate documents from the previous appeal.

§ 2-205. Bill of exceptions, making, preserving, transcribing, and delivery of record of trial or other proceeding.

(A) ~~[Reserved.]~~ As allowed by the schedule implemented by the Supreme Court and when available electronically, the following rules below shall apply.

(B) Transcribing and Delivery of Record; the Bill of Exceptions.

(1) How Ordered, Contents, and Per-Page Rate.

(a) An attorney may ~~E-File through trial E-Filing~~ E-File through trial E-Filing a request to prepare a bill of exceptions with the clerk of the trial court. Such request, if made through ~~trial E-Filing~~ trial E-Filing, shall be served through ~~trial E-Service~~ trial E-Service upon the court reporting personnel currently entered in JUSTICE as the primary court reporting personnel for the trial judge assigned to the court case or, if no court reporting personnel information is available, the request shall be served on the currently assigned trial judge.

(b) Where a request for bill of exceptions is ~~E-Filed using trial E-Filing~~ E-Filed using trial E-Filing, the attorney shall serve the request for bill of exceptions upon ~~the appellee~~ all opposing parties through ~~trial E-Service~~ trial E-Service.

(c) An attorney may ~~E-File through trial E-Filing~~ E-File through trial E-Filing a supplemental request for preparation of bill of exceptions with the clerk of the trial court. Such request, if made through ~~trial E-Filing~~ trial E-Filing, shall also be served through ~~trial E-Service~~ trial E-Service upon the court reporting personnel currently entered in JUSTICE as the primary court reporting personnel for the trial judge assigned to the court case or, if no court reporting personnel information is available, the request shall be served on the currently assigned trial judge. The request shall also be served on all opposing parties by ~~trial E-Service~~ trial E-Service.

(d) [Reserved.]

(e) The per-page fee to which court reporting personnel or privately contracted court transcriber is entitled shall be \$3.75 per page for an electronic bill of exceptions. ~~Upon implementation of the appellate E-Filing System, electronic bills of exceptions shall be mandatory.~~ If the appellant fails to timely make the required deposit of the estimated cost of preparation, court reporting personnel shall forthwith file through ~~trial E-Filing~~ trial E-Filing a notice of such failure with the clerk of the trial court, who shall transmit an electronic copy of the notice through System-To-System Transfer to the Clerk of the Supreme Court and Court of Appeals. The page rate specified in § 2-105(B)(1)(e) shall apply to all other transcripts of proceedings prepared by court reporting personnel.

(f) Settlement. If the circumstances referenced in § 2-105(B)(1)(f) arise, the statement advising the court reporting personnel that settlement has been reached may be ~~E-Filed with the clerk of the trial court.~~ E-Filed with the clerk of the trial court. ~~Where E-Filing is used to file a settlement, service shall be made and proved through E-Service, and served through trial E-Filing and trial E-Service.~~ Where E-Filing is used to file a settlement, service shall be made and proved through E-Service. The clerk of the trial court shall forthwith transmit to the Clerk of the Supreme Court and Court of Appeals through System-To-System Transfer a copy advising that settlement has been reached.

(2) Delivery of Copy of Request. The clerk of the trial court shall file with the Clerk of the Supreme Court and Court of Appeals an electronic copy of each request through System-To-System Transfer using JUSTICE procedures

(3) Preparation and Delivery by Court Reporting Personnel. As allowed by the schedule implemented by the Supreme Court and when available electronically, the following rules shall apply.

(a) The electronic bill of exceptions shall be ~~E-Filed through trial E-Filing~~ with the clerk of the trial court as soon as possible, at which time the clerk of the trial court shall forthwith transmit the electronic bill of exceptions to the Clerk of the Supreme Court and Court of Appeals through System-To-System Transfer. The time limits established by § 2-105(B)(3)(a) are not changed by this section. If the bill of exceptions is not filed within the time limit established by § 2-105(B)(3)(a), ~~appellate E-Notice~~ shall be provided to the court reporting personnel currently entered in JUSTICE as the primary court reporting personnel for the trial judge currently assigned to the trial court case, or if no court reporting personnel information is available, the currently assigned trial judge. This provision for ~~appellate E-Notice~~ to the court reporting personnel does not affect the responsibility of court reporting personnel to request an extension of time using the procedures required by § 2-105(B)(4).

(b) The court reporting personnel or privately contracted transcriber shall submit the bill of exceptions electronically in a PDF that is searchable. The standardized naming of files contained in the electronic bill of exceptions shall be as follows: YY-####-EBOEvv.pdf (where YY-####=the appellate case number as assigned by the Clerk of the Supreme Court and Court of Appeals and vv=the two-digit volume number, starting with 01). For example, the first volume of the electronic bill of exceptions for the first appeal docketed in 2013 would be named 13-0001-EBOE01.pdf. The filing of an electronic bill of exceptions under this rule excuses the court reporting personnel or privately contracted transcriber from preparing the computer disks, DVD's, or CD's referenced in § 2-105(B)(3)(b)(i).

The trial court has the duty to seal any portion of the record that is confidential. Sealed portions of the bill of exceptions are to be sent as a separate electronic file and shall be named as follows: YY-####-EBOEvv[C].pdf. For example, a confidential volume of the electronic bill of exceptions for the first appeal docketed in 2013, and which was the first volume of the electronic bill of exceptions, would be named 13-0001-EBOE01[C].pdf. All sealed portions of the record should be consolidated into one volume, unless multiple volumes are necessitated by the size of the record. Volume numbers shall be sequential without any repetition or duplication whether or not the volume is flagged as confidential.

(c) [Reserved.]

(d) [Reserved.]

(4) Extension of Time for Preparation of Bill of Exceptions.

(a) [Reserved.]

(b) Any requests for additional time for preparation of the bill of exceptions, made by motion or by stipulation of all parties to the action, may be ~~E-Filed, through appellate E-Filing in the format specified by § 2-200(E)(2) and served through appellate E-Service~~ Where E-Filing is used to file a request for additional time for preparation of the bill of exceptions, service shall be made and proved through E-Service.

(c) [Reserved.]

(d) [Reserved.]

(5) Amendments to the Bill of Exceptions. Any amendments to the electronic bill of exceptions and/or order of the trial court regarding amendments ~~shall~~ may be ~~E-Filed through trial E-Filing, at which time the clerk of the trial court shall forthwith transmit the amendments to the bill of exceptions to the Clerk of the Supreme Court and Court of Appeals through System To System Transfer.~~

(6) Form of the Bill of Exceptions.

(a) [Reserved.]

(b) [Reserved.]

(c) Each page of the electronic bill of exceptions shall be formatted to accommodate printing on 8½ inches x 11 inches paper and shall have line and page numbers. Each page shall consist of 25 lines of testimony and proceedings, exclusive of headings and page numbers and be portrait orientation. The text shall be in not smaller than 12-point Courier, Arial, Helvetica, Times, or Times New Roman font, double spaced, with not less than 12 points of leading.

The physical binding and front cover and back requirements and per-volume page limit are inapplicable to electronic bills of exceptions. This does not affect the requirement for a cover page, which shall be the first page of the electronic bill of exceptions.

Each volume of the electronic bill of exceptions shall be 39 MB in size or smaller. All other formatting requirements applicable to the preparation of the electronic bill of exceptions shall be as set forth in § 2-105(B)(6).

Exhibits may be inserted in the electronic bill of exceptions immediately following where they are ruled on by the court or may be compiled in a separate PDF file with an index and corresponding bookmark for each exhibit. The provisions regarding exhibits in § 2-105(B)(6)(c) shall apply, except documents and photographs shall be scanned to a PDF. However, under no circumstances shall exhibits constituting visual depiction of sexually explicit conduct involving a child be scanned or electronically transmitted. See § 2-216(B)(2). The party offering any documentary exhibit shall provide an electronic image of the document to the court reporting personnel in an electronic format acceptable to the court reporting personnel. The party offering any nondocumentary item of physical evidence shall provide an electronic image of the nondocumentary item of evidence, which fairly and accurately depicts the item. The image shall be provided in an electronic format acceptable to the court reporting personnel. If the party offering an exhibit fails to provide an image, the court reporting personnel shall cause one to be made at the offering party's expense. The court reporting personnel shall in all instances preserve the exhibit and shall make it available to the Supreme Court or Court of Appeals upon request during pendency of the appeal process. Retention of exhibits shall otherwise be as provided in Neb. Ct. R. § 1-210 of the Court Reporting Personnel Rules.

(7) [Reserved.]

(8) Bound Volumes and Exhibits of the Bill of Exceptions. Upon implementation, all bills of exceptions shall be filed in electronic form, notwithstanding any format requested by any party or counsel. Where there is an electronic bill of exceptions, no bound volumes of the bill of exceptions shall be prepared by court reporting personnel or filed with the trial court. If a physical exhibit is requested to be sent to the Clerk of the Supreme Court and Court of Appeals, it shall be sent by the clerk of the trial court by United Parcel Service or the U.S. Mail. In all other instances regarding actual exhibits, the procedure outlined in § 2-105(B)(8) shall apply.

(9) [Reserved.]

(10) [Reserved.]

(11) [Reserved.]

(12) Statement of Cost. ~~The eCourt~~ reporting personnel shall include as part of the court reporting personnel's certification a statement of the cost of the electronic bill of exceptions. The statement of cost for an electronic bill of exceptions shall use the per-page rate specified in § 2-205(B)(1)(e).

(13) Case Stated. The case stated may be E-Filed with the clerk of the trial court ~~through trial E-Filing~~ at which time the clerk of the trial court shall forthwith transmit notice of such filing electronically to the Clerk of the Supreme Court and Court of Appeals ~~through System To System Transfer~~.

§ 2-206. Motions generally.

(A) [Reserved.]

(B) Form. If using appellate E-Filing, all motions shall be filed in the format ~~specified by § 2-200(E)(2)~~ required by the court-authorized service provider.

(C) [Reserved.]

(D) Filing and Service of Motions. Motions referenced in § 2-106(D) may be E-Filed ~~through appellate E-Filing~~. Where appellate E-Filing is used to file a motion, service shall be made and proved through appellate E-Service. The proof of service automatically generated in appellate E-Service replaces the proof of service required by § 2-106(D). The requirement of § 2-106(D) for filing a copy shall not apply to motions filed and served through ~~appellate E-Filing and appellate E-Service~~.

(E) [Reserved.]

(F) [Reserved.]

(G) [Reserved.]

(H) Briefs. The briefs referenced in § 2-106(H) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a brief, service shall be made and proved through appellate E-Service. The requirement of § 2-106(H) for filing a copy shall not apply to a memorandum brief in support of a motion filed and served through appellate E-Filing and appellate E-Service.

§ 2-207. Summary Dispositions.

(A) [Reserved.]

(B) Motions for Summary Dismissal or Affirmance.

(1) The motion to dismiss for lack of jurisdiction referenced in § 2-107(B)(1) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a motion to dismiss for lack of jurisdiction, service shall be made and proved through appellate E-Service.

(2) The motion to affirm referenced in § 2-107(B)(2) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a motion to affirm, service shall be made and proved through appellate E-Service.

(3) [Reserved.]

(4) Any written objections to any motion referenced in § 2-107 may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file an objection, service shall be made and proved through appellate E-Service.

(5) [Reserved.]

(6) [Reserved.]

(7) The motion referenced in § 2-107(B)(7) may be E-Filed ~~and served through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a motion referenced in § 2-107(B)(7), service shall be made and proved through appellate E-Service. The proof of service automatically generated in appellate E-Service replaces the proof of service required by § 2-107(B)(7). The requirement of § 2-107(B)(7) for filing a copy shall not apply to a motion filed and served through appellate E-Filing and appellate E-Service.

(8) [Reserved.]

(C) Stipulation of Parties for Summary Reversal.

(1) [Reserved.]

(2) The stipulation of the parties for summary reversal referenced in § 2-107(C) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a stipulation for summary reversal, service shall be made and proved through appellate E-Service. The proof of service automatically generated in appellate E-Service replaces the proof of service required by § 2-107(C). The requirement of § 2-107(B)(7) for filing a copy shall not apply to a stipulation for summary reversal filed and served through appellate E-Filing and appellate E-Service.

(D) Suggestion of Mootness in Prison Disciplinary and Postconviction Relief Appeals. The "suggestion of mootness" and any objections referenced in § 2-107(D) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a suggestion of mootness or an objection, service shall be made and proved through appellate E-Service. The proof of service automatically generated in appellate E-Service replaces the proof of service required by § 2-107(D)(2)(e). The requirement of § 2-107(D)(2)(e) for filing a copy shall not apply to a motion, objection, or supporting brief filed and served through appellate E-Filing and appellate E-Service.

§ 2-208. Dismissal of appeal.

(A) [Reserved.]

(B) Form. The motion to dismiss an appeal referenced by § 2-108(A) and (B) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~.

(C) Service. Where a motion to dismiss an appeal referenced by § 2-108(A) and (B) is E-Filed ~~through appellate E-Filing~~, service shall be made and proved through appellate E-Service. The proof of service automatically generated in appellate E-Service replaces the proof of service required by § 2-108(C).

(D) Time for Response of Appellees. Any response to the motion to dismiss referenced in § 2-108(D) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Any notice of intention to cross-appeal may also be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a response to a motion to dismiss or a notice of intention to cross-appeal, service shall be made and proved through appellate E-Service.

(E) Dismissal by Agreement. The stipulation to dismiss an appeal referenced in § 2-108(E) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is

used to file a stipulation to dismiss an appeal, service shall be made and proved through ~~appellate~~-E-Service.

§ 2-209. Briefs.

(A) Time for Filing. Any request for additional time for the filing of briefs may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a request for additional time, service shall be made and proved through ~~appellate~~ E-Service.

(1) All briefs referenced in § 2-109 may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a brief, service shall be made and proved through ~~appellate~~ E-Service.

(2) [Reserved.]

(3) [Reserved.]

(4) Briefs of amicus curiae may not be filed without leave of court. (See § 2-106.) Leave to file amicus briefs may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a motion for leave, service shall be made and proved through ~~appellate~~ E-Service. Leave to file amicus briefs shall not be considered within 20 days of oral argument.

(5) The motion for rehearing and brief in support and response to that motion referenced in § 2-109(A)(5) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a motion for rehearing and brief, service shall be made and proved through ~~appellate~~ E-Service. The requirement of § 2-109(A)(5) for filing a copy shall not apply to a motion for rehearing filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(6) [Reserved.]

(7) [Reserved.]

(B) Form. The paper weight, cover color, and binding requirements referenced in § 2-109(B) shall not apply to briefs filed in electronic form. Briefs may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a brief, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-109(B)(6). The requirement of § 2-109(B)(7) for filing a copy shall not apply to a brief filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(C) [Reserved.]

(D) [Reserved.]

(E) Cases Involving Constitutional Questions. The separate notice of constitutional question referenced in § 2-109(E) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a notice of constitutional question, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-109(E).

(F) The motion for attorney fees referenced in § 2-109(F) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate~~ E-Filing is used to file a motion for attorney fees, service shall be made and proved through ~~appellate~~ E-Service. The supporting affidavit may be E-Filed ~~and served through appellate E-Filing and appellate E-Service and shall be as provided in § 2-224. Where~~

E-Filing is used to file the supporting affidavit, service shall be made and proved through E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-109(F). The requirement of § 2-109(F) for filing a copy shall not apply to a motion for attorney fees filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

§ 2-210. Default in filing briefs.

(A) Appellant in Default--Failure to File a Brief. Any attorney user who is registered for ~~appellate~~ E-Notice shall receive notice of default in filing briefs through ~~appellate~~ E-Notice. Notice of default sent through E-Notice shall be deemed received by the user upon transmission by the Clerk of the Supreme Court and Court of Appeals.

(B) Appellee in Default. Any appellee's attorney user who is registered for ~~appellate~~ E-Notice shall receive notice of default in filing appellee's brief through ~~appellate~~ E-Notice. Notice of default sent through E-Notice shall be deemed received by the user upon transmission by the Clerk of the Supreme Court and Court of Appeals.

(C) [Reserved.]

§ 2-211. Scheduling, argument, and submission.

(A) [Reserved.]

(B) Methods of Submission on the Merits.

(1) The notices referenced in § 2-111(B)(1) relating to the submission of an appeal without oral argument shall be sent through ~~appellate~~ E-Notice in instances where ~~the party's attorney user~~ is registered for E-Notice.

(2) [Reserved.]

(3) The motion requesting that a case be advanced for oral argument referenced in § 2-111(B)(3) may be E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2). Where ~~appellate~~ E-Filing is used to file a motion requesting that a case be advanced, service shall be made and proved through ~~appellate~~ E-Service.

(4) [Reserved.]

(C) Proposed Call. The application for continuance of oral argument referenced in § 2-111(C) may be E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2). Where ~~appellate~~ E-Filing is used to file an application for continuance, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-106(D). The requirement of § 2-106(D) for filing a copy shall not apply to an application for continuance of oral argument filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(D) Call. The application for continuance of oral argument referenced in § 2-111(D) may be E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2). Where ~~appellate~~ E-Filing is used to file an application for continuance, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-106(D). The requirement of § 2-106(D) for filing a copy shall not apply to an application for continuance of oral argument filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(E) Oral Argument.

(1) [Reserved.]

(2) An application for additional time as set forth in § 2-111(E)(2) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file an application for additional time, service shall be made and proved through appellate E-Service. The proof of service automatically generated in appellate E-Service replaces the proof of service required by § 2-106(D). The requirement for filing a copy shall not apply to an application for additional time filed and served through appellate E-Filing and appellate E-Service.

(3) Any attorney user who is registered for appellate E-Notice shall receive notice of the court's limit of oral argument through appellate E-Notice.

(4) Any request by an amicus curiae for leave to present oral argument may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a request for leave to present oral argument, service shall be made and proved through appellate E-Service.

(5) [Reserved.]

(6) The election of the parties to waive oral argument referenced in § 2-111(E)(6) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a waiver of oral argument, service shall be made and proved through appellate E-Service.

(F) [Reserved.]

(G) Bankruptcy.

(1) The notice of pending bankruptcy proceedings by a party referenced in § 2-111(G)(1) and (2) may be E-Filed ~~by appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a notice of pending bankruptcy proceedings, service shall be made and proved through appellate E-Service. Any notice required to be given by the Clerk of the Supreme Court and Court of Appeals referenced in § 2-111(G)(1) shall be made through appellate E-Notice in instances where the party's attorney user is registered for E-Notice.

(2) If the Clerk of the Supreme Court and Court of Appeals is unable to confirm the existence of a bankruptcy proceeding, the suggestion of bankruptcy as referenced in § 2-111(G)(2) may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a suggestion of bankruptcy, service shall be made and proved through appellate E-Service. A certified copy of the bankruptcy petition or copy of the caption sheet of the bankruptcy petition showing the case number, the names of the parties, and the filing stamp affixed by the clerk of the bankruptcy court may be E-Filed ~~through appellate E-Filing but shall not conform to § 2-200(E)(2)~~.

(3) The showing regarding relief from the automatic stay referenced in § 2-111(G)(3) may be E-Filed ~~through appellate E-Filing~~. Where appellate E-Filing is used to file a showing, service shall be made and proved through appellate E-Service. The showing shall be in accordance with §§ 2-106 and 2-206.

(4) The certified copy of the bankruptcy compromise referenced in § 2-111(G)(4) may be E-Filed ~~through appellate E-Filing~~. Where appellate E-Filing is used to file a certified copy of bankruptcy compromise, service shall be made and proved through appellate E-Service.

§ 2-212. Opinions.

(A) [Reserved.]

(B) Any ~~counsel user~~ who is registered for ~~appellate~~ E-Notice shall may receive a copy of the court's opinion in an electronic form.

(C) [Reserved.]

§ 2-213. Motions for rehearing.

(A) A motion for rehearing and brief in support as referenced in § 2-113 may be E-Filed ~~through appellate E-Filing in the format specified by § 2-200(E)(2).~~ Where ~~appellate~~ E-Filing is used to file a motion for rehearing, service shall be made and proved through ~~appellate~~ E-Service. The requirement of § 2-113(A) for filing a copy shall not apply to a motion for rehearing filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

~~(B) Form of Motion. The motion for rehearing shall be filed in the format set forth in § 2-200(E)(2).~~
[Reserved.]

(C) [Reserved.]

(D) [Reserved.]

(E) Form of Brief. The brief in support of the motion for rehearing and any briefs in response to the motion for rehearing shall be in the same form as provided for all briefs in § 2-209(B).

(F) Response. The response may be E-Filed ~~through appellate E-Filing in the format specified in § 2-200(E)(2).~~ Where ~~appellate~~ E-Filing is used to file a response, service shall be made and proved through ~~appellate~~ E-Service. If no response will be E-Filed, the attorneys may notify the Clerk of the Supreme Court and Court of Appeals through ~~appellate~~ E-Filing ~~in the format specified in § 2-200(E)(2).~~ Where ~~appellate~~ E-Filing is used to file the notice, service shall be made and proved through ~~appellate~~ E-Service.

(G) Filing and Service. Motions for rehearing may be E-Filed ~~through appellate E-Filing.~~ Where ~~appellate~~ E-Filing is used to file a motion for rehearing, service shall be made and proved through ~~appellate~~ E-Service.

(H) [Reserved.]

(I) [Reserved.]

(J) [Reserved.]

(K) [Reserved.]

(L) Briefs on Reargument. Briefs on Reargument may be E-Filed ~~through appellate E-Filing in the format specified in § 2-200(E)(2).~~ Where ~~appellate~~ E-Filing is used to file a brief on reargument, service shall be made and proved through ~~appellate~~ E-Service. The proof of service automatically generated in ~~appellate~~ E-Service replaces the proof of service required by § 2-113(L). The requirement of § 2-113(L) for filing a copy shall not apply to a brief on reargument filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

§ 2-214. Mandates and taxation of costs.

(A) Mandates.

(1) [Reserved.]

(2) The application for an order staying the mandate referenced in § 2-114(A)(2) may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file an application for an order staying the mandate, service shall be made and proved through appellate E-Service.

(3) The motion to recall a mandate and any objections to the motion may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where appellate E-Filing is used to file a motion to recall a mandate or an objection, service shall be made and proved through ~~appellate E-Service~~.

(B) Costs.

(1) [Reserved.]

(2) [Reserved.]

(3) [Reserved.]

(4) At the time the mandate is issued, the statement to counsel for the costs which are due to the other party shall be sent through ~~appellate E-Notice~~ to any ~~counsel user~~ registered for ~~appellate E-Notice~~.

(5) A motion to retax costs may be ~~E-Filed through appellate E-Filing in the format specified by § 2-200(E)(2)~~. Where ~~appellate E-Filing~~ is used to file a motion to retax costs, service shall be made and proved through ~~appellate E-Service~~. The proof of service automatically generated in ~~appellate E-Service~~ replaces the proof of service required by § 2-114(B)(5). The requirement of § 2-106 for filing a copy shall not apply to a motion to retax costs filed and served through ~~appellate E-Filing and appellate E-Service~~.

§ 2-215. Original actions.

(A) How Commenced.

(1) [Reserved.]

(2) ~~Upon implementation and approval by the Nebraska Supreme Court, the application for leave to commence an original action may be filed through appellate E-Filing in the format specified by § 2-200(E)(2). Where appellate E-Filing is used to file an application for leave to commence an original action, service shall be made and proved through appellate E-Service. The requirement of § 2-115(A)(2) for filing a copy shall not apply to an application for leave to commence an original action filed and served through appellate E-Filing and appellate E-Service. [Reserved.]~~

(B) [Reserved.]

§ 2-216. Records.

(A) [Reserved.]

(B)(1) Presentence Report. The electronic presentence report may be examined by the defendant, his or her counsel, or counsel for the State at a computer terminal located in and provided by the office of the Clerk of the Supreme Court and Court of Appeals.

(2) Neb. Rev. Stat. § 27-1301 Child Pornography Exhibits. In all cases where exhibits constituting visual depiction of sexually explicit conduct involving a child, as defined by § 27-1301, may be material on appeal, such evidence shall be handled on appeal and controlled by the provisions of Neb. Ct. R. § 6-1801.

(C) [Reserved.]

(D) [Reserved.]

(E) [Reserved.]

§ 2-217. [Reserved.]

§ 2-218. [Reserved.]

§ 2-219. [Reserved.]

§ 2-220. Registration.

(A) Only attorneys licensed to practice law in Nebraska, ~~court reporting personnel, and Nebraska probation officers~~ may register to use the trial and appellate E-Filing Systems. Any attorney so registered may make an entry of appearance through E-Filing.

(1) Registration for appellate E-Filing is through Nebraska.gov. ~~Registration allows the user access to appellate E-Filing, trial E-Filing, appellate E-Service, and trial E-Service is mandatory for all Nebraska attorneys making any filing or appearance in an appellate court, regardless if the filing is by paper or electronically. Registration for E-Filing requires an account with the court-authorized service provider and requires a separate annual maintenance fee as determined by the court-authorized service provider.~~

(2) ~~Registration for appellate E-Notice is through the Clerk of the Supreme Court and Court of Appeals.~~

(3) ~~E-mail Addresses.~~

(a) ~~Registered e-mail addresses cannot exceed 40 characters.~~

(b) ~~Court reporting personnel and Nebraska probation officers shall register using their assigned Nebraska.gov e-mail address.~~

(B) ~~Pro Hac Vice and other authorized user registration.~~

(1) (a) Attorneys admitted Pro Hac Vice in a particular case pursuant to Neb. Ct. R. § 3-106~~22~~ may utilize appellate E-Filing under these rules but only through Nebraska counsel with whom the attorney is associated.

(2) (b) Attorneys admitted Pro Hac Vice in a particular appellate case pursuant to Neb. Ct. R. § 3-106~~22~~ may register for appellate E-Notice with the Clerk of the Nebraska Supreme Court and Court of Appeals by providing an e-mail address in writing. E-mail addresses shall be in compliance with § 2-220(B). Any change to e-mail addresses or discontinuation of E-Notice must be made in writing to the Clerk of the Supreme Court and Court of Appeals.

(c) Indian Child Welfare Act tribal representatives. For cases under the Nebraska Indian Child Welfare Act, tribal representatives may utilize E-Filing with proper registration.

(d) Self-represented litigant E-Notice. Self-represented litigants who have Internet and e-mail capability may register for E-Notice in a particular case by submitting a written request to the Clerk of the Nebraska Supreme Court and Court of Appeals. E-mail addresses shall be in compliance with § 2-220(B). Any change to e-mail addresses or discontinuation of E-Notice shall be made in writing to the Clerk of the Supreme Court and Court of Appeals. E-mail addresses of self-represented litigants in appeals which have

been concluded may be purged by the Clerk of the Supreme Court and Court of Appeals, from time to time, without notice to the self-represented litigant.

(B) E-mail addresses.

(1) E-mail addresses for all electronic services as defined in § 2-200 offered by the court or its authorized service provider cannot exceed 50 characters. Only one e-mail address per user will be permitted for E-Notice.

(2) E-Notice correspondence shall be sent electronically from the following e-mail address: nsc.justicebas@nebraska.gov. User e-mail accounts should be set up to receive all e-mails from that e-mail address. Do not reply to the above e-mail address. No user may transmit documents to nsc.justicebas@nebraska.gov.

(3) E-Service correspondence shall be sent electronically from the following e-mail address: ne-support@egov.com. User e-mail accounts should be set up to receive all e-mails from that e-mail address. Do not reply to the above e-mail address. No user may transmit documents to ne-support@egov.com.

(4) Until such time as a Nebraska attorney registers for E-Filing as required in subsection (A), documents delivered via E-Notice will be sent to the initial e-mail address provided to the Nebraska Supreme Court Attorney Services Division pursuant to Neb. Ct. R. § 3-803(C). After registration with the court-authorized service provider, all e-mail addresses for E-Notice and E-Service shall be maintained by the attorney through the attorney's court-authorized service provider E-Filing account.

(C) Each registered user is responsible for maintaining valid contact information. When a user's contact information changes, the E-Filing user shall promptly update his or her profile ~~in Nebraska.gov~~ with the court-authorized service provider and provide ~~an updated appellate E-Notice Registration form~~ information to the Clerk of the Supreme Court and Court of Appeals. If an ~~appellate~~ E-Filing user has a pending case before the appellate courts, the user shall promptly notify all parties of such information change. ~~Trial and appellate E-Service and or appellate E-Notice~~ upon an obsolete e-mail address shall constitute valid service where the user has not updated the account profile with the new e-mail address. Mere usage of a new or different e-mail address or physical address in a document filed using ~~appellate~~ E-Filing does not satisfy the requirements of this subsection for an update to the user's profile ~~in Nebraska.gov and an updated appellate E-Notice Registration form to~~ with the court-authorized service provider or the Clerk of the Supreme Court and Court of Appeals.

(D) Failure to Register or maintain contact information. Failure of a Nebraska attorney to register for E-Filing as required by § 2-220(A)(1) or to maintain valid and up-to-date contact information may be enforced by any appropriate sanction or order of the appellate court, or by appropriate disciplinary procedures.

§ 2-221. Electronic signatures.

(A) Form. An electronic signature (~~e-signature~~ E-Signature) is created by typing "/s/" followed by the typed name of the person who is signing the document. An electronic notary stamp may be typed using the stamp format "seal, notary public, State of [state name]," and commission expiration date. When transmitted through ~~appellate~~ E-Filing, ~~e-signature~~ E-Signatures and electronic notary stamps shall satisfy signature and certification requirements. If the notarial commission of the particular notary public whose seal is being depicted is limited by county, the filing party shall use the electronic stamp format "seal, notary public, State of [state name], County of [county name]." Other seals or stamps, such as those of courts, public bodies, agencies, or officials, or corporations, may be typed using the electronic stamp

format "seal, [alphanumeric content of seal]." Signatures of parties, witnesses, and notaries, and notary stamps or other seals, shall not be typed or otherwise depicted on documents transmitted through ~~appellate~~ E-Filing unless the filing party has possession of the original document or documents bearing such signatures and stamps. In addition to the ~~e-signature~~ E-Signature, the ~~e-filer user~~ shall include his or her bar number, e-mail address, mailing address, and telephone number under the ~~e-signature~~ E-Signature.

(B) If a document is ~~E-Filed through appellate E-Filing~~ by a registered user without an ~~e-signature~~ E-Signature, the document shall be deemed to contain the ~~e-signature~~ E-Signature of the registered user.

(C) Court officials are also authorized to use ~~e-signature~~ E-Signature on documents filed and served through ~~appellate~~ E-Filing and ~~appellate~~ E-Service.

(D) When an ~~e-signature~~ E-Signature is affixed to a document or is deemed to be affixed to a document, that ~~e-signature~~ E-Signature shall have the same effect pursuant to the Nebraska Court Rules of Appellate Practice as a handwritten signature of the person whose name appears or is deemed to appear thereon.

(E) In the event a document is ~~E-Filed through appellate E-Filing~~ by an attorney who has not previously appeared in the proceeding in which said document is filed, the ~~e-signature~~ E-Signature on the document shall operate as a notice of appearance by the filer for the party on whose behalf the document was filed.

(F) If a document requires multiple signatures, the filer of the document shall list thereon the names of all signatories, which shall serve as the filer's attestation that each of the other signatories has concurred in the E-Filing of the document. In addition to the names of all signatories, the filer shall list each signatory's e-mail address, mailing address, and telephone number. A document that requires the signatures of opposing parties or counsel (such as a stipulation) may be electronically filed by typing the names of each signing party or counsel, but the filer is required to first obtain the original signatures of all opposing parties or counsel on a printed document.

§ 2-222. Rejection of E-Filed document or record.

If an appellate court rejects a document submitted through ~~appellate~~ E-Filing or transmitted through System-To-System Transfer due to noncompliance with an applicable rule of the Nebraska Court Rules of Appellate Practice, the Clerk of the Supreme Court and Court of Appeals shall serve the ~~filer user~~ or, if the rejection involves a System-To-System Transfer, the clerk of the trial court and the other parties, where applicable, with notice of the reasons for the rejection. The ~~filer user~~ or the clerk of the trial court shall have 14 days from service of notice of the rejection to file and serve, where applicable, a corrected document, unless a different time for the filing and service of a corrected document is ordered by the appellate court. This rule shall not, however, extend the mandatory or statutory time for the filing of such document.

§ 2-223. Transmission technical problems; corrective order.

Upon satisfactory proof that ~~appellate~~ E-Filing or ~~appellate~~ E-Service of a document is not completed because of (1) an error in the transmission of the document to the ~~appellate E-Filing System court-~~ authorized service provider which was unknown to the sending party or (2) a failure to process the electronic filing when received by the Clerk of the Supreme Court and Court of Appeals, the appellate court may enter an order permitting the document to be filed as of the date it was first attempted to be sent electronically. Notwithstanding the foregoing, no order may be entered under this rule which expands the statutory time period for perfecting an appeal unless there is an affirmative showing that the failure to

make a timely filing was due solely to an ~~appellate~~ E-Filing System internal transmission error or a processing error by the Clerk of the Supreme Court and Court of Appeals.

§ 2-224. Good faith compliance; waiver of certain defects.

Upon a showing of substantial good faith compliance with the foregoing rules, the appellate court may waive nonjurisdictional defects in ~~appellate~~ E-Filing or ~~appellate~~ E-Service if it finds that no harm has occurred to any party as a result of the defective ~~appellate~~ E-Filing or ~~appellate~~ E-Service.

§ 2-225. Unregistered attorneys; paper filing and E-Filing in a single case.

(A) On and after January 1, 2017, an attorney who has not registered under § 2-220(1) shall be deemed to have withdrawn as an attorney of record in each case for which an appearance was previously entered. Unregistered attorneys who are required to register under § 2-220(1) shall be required to comply with § 2-220(1) in order to proceed as attorney of record on an appellate case. Registered and nonregistered attorneys may both be entered as attorneys of record on a case. In the event of an attorney of record who is not registered for trial E-Filing, appellate E-Filing, trial E-Service, appellate E-Service, or appellate E-Notice, § 2-101 et seq. shall control for that attorney. Section 2-201 et seq. shall control only in instances where the attorney is registered for the relevant electronic system noted above.

(B) Until such time as the Nebraska Supreme Court determines otherwise:

- (1) Use of E-Filing for one document does not preclude paper filing of other documents; and
- (2) E-Filing by one user does not preclude paper filing by any other user.