

**IN THE DISTRICT COURT OF NEBRASKA
FOR ALL COUNTIES IN THE
NORTHERN DIVISION**

**IN REGARD TO A GENERAL
ORDER FOR INSTALLATION
OF PROPERLY-EQUIPPED
TELEPHONES IN ALL
COURTROOMS FOR DISTRICT
COURT IN THE NORTHERN
DIVISION**

ORDER

SUBJECT OF ORDER: Installation of speaker-phone-equipped telephones in all district courtrooms.

ORDER: The court finds, determines, and orders:

1. LB 209 passed by the Legislature in 2003 with the emergency clause requires, on and after October 1, 2003, that the district court shall allow any party to appear by telephone in appeals to district court from administrative license revocation proceedings before the Director of the Department of Motor Vehicles. However, Article I, section 13, of the Nebraska Constitution provides that all courts shall be open to the public to attend and observe.

2. Wherever possible, a legislative act must be construed so as to be in compliance with the constitution. Here, such construction requires that proper telephone equipment be installed in each district courtroom to allow the appearance by telephone of any party desiring to appear by telephone for appeals from administrative license revocation proceedings in a setting open to public attendance and observation. While this mandate would not have been desired by this court, the enactment of LB 209 so requires in order to be in compliance with the Nebraska Constitution.

3. In compliance with this legislative mandate, each county of the Northern Division of the Eighth Judicial District (Blaine, Boyd, Brown, Cherry, Holt, Keya Paha, and

Rock) shall, prior to October 1, 2003, install in the district courtroom an unobtrusive telephone line and telephone equipment at the bench and telephone equipment at the court reporter's station. Such equipment shall be directly connected to an operable telephone line, which may be the same as the existing fax line if the county so elects. Both telephone stations at the bench and the court reporter's station shall be equipped with modern speaker-phone equipment suitable for hearing of such telephone communications by all participants and observers in the courtroom, and by headphone equipment at the court reporter's station.

4. The previous reinstallation of modern telephone equipment in Cherry County already complies with this mandate, except for the availability of headset equipment at the court reporter's station.

5. The clerk of the district court in each county shall be responsible to assure that this requirement is timely completed and for communication of these requirements to the county board of commissioners or supervisors. The county board shall be notified of such requirements by a copy of this order. The county board is subject to this order because of the statutory mandate to provide suitable courtroom facilities and equipment.

6. Each county shall be responsible for the costs of compliance with this order.

7. The court also directs county board attention to sections 18 and 19 of LB 209. This paragraph is descriptive in nature only and makes no determinations and provides no advice.

IT IS SO ORDERED.

Signed in chambers at **Ainsworth**, Nebraska, on **August 24, 2003**;

DEEMED ENTERED upon file stamp date by court clerk.

If checked, the court clerk shall:

Deliver a copy of this order to the county clerk for delivery to all county board members (ex officio clerks shall provide copies to all county board members).
Done on _____, 20____ by _____.

Record order on court journal.
Done on _____, 20____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge