

# **RULES OF THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT**

Effective September 1, 1995

## **SCOPE AND EFFECTIVE DATE**

Upon approval of these rules by the Supreme Court and publication in the Nebraska Advance Sheets, these rules for the district court of the Eighth Judicial District shall become effective on September 1, 1995, and shall supplement the Uniform District Court Rules of Practice and Procedure adopted by the Supreme Court.

## **RULE 8-1**

### **ORGANIZATION OF THE COURT**

The court shall be divided into two divisions. The Northern Division shall consist of the counties of Blaine, Boyd, Brown, Cherry, Holt, Keya Paha, and Rock. The Southern Division shall consist of the counties of Custer, Garfield, Greeley, Howard, Loup, Sherman, Valley, and Wheeler.

## **RULE 8-2**

### **ANNUAL TERM OF COURT**

The regular term of the court in each county shall be deemed to commence on January 1 of each calendar year, and shall be deemed to conclude on December 31 of the same calendar year. No order opening or closing such term shall be required.

## **RULE 8-3**

### **MOTIONS; SCHEDULING; CALENDAR**

A. **Motions Defined:** For purposes of this rule, all pretrial and posttrial motions and similar filings which require a hearing or action by the judge, such as special appearances, demurrers, applications for temporary relief, criminal arraignments, sentencing, hearings on appeal, and orders to show cause, are motions.

B. **Motion Days:** Motion days for each county shall be held at least monthly, as reflected by the annual published schedule of each division of the court.

C. **Content of Calendar:** The clerk of the district court of each county shall maintain a motion calendar, which shall show the date the motion was filed, the case number, the case name (abbreviated), a short description of the motion, the last names of the attorneys in the case (if the party is not represented by an attorney the clerk shall place the words "Pro Se" in the blank applicable to that party), the date and time assigned for hearing.

D. **Date and Time of Hearing:**

(1) Prior to the filing of any motion, the moving party shall obtain a date and time of hearing for the motion from the clerk of the court. When filed, the motion shall be accompanied by a notice of the date and time of hearing, and by proof of service of the motion and notice of hearing on all other parties. The court may decline to hear any motion which is not accompanied by such notice of hearing and proof of service.

(2) Unless otherwise directed by the court, the clerk shall assign the motion for hearing on the next regular motion day in that county which is at least 5 days, plus any additional time required for service on opposing parties (usually 3 days under § 25-534), after the expected date of filing of the motion.

E. **Preparation and Mailing of Calendar:**

(1) Before the motion day, the clerk shall mail or fax a copy of the motion calendar to the judge and to the official court reporter.

(2) The clerk may mail or deliver a copy of the motion calendar to any party having a matter on the motion calendar. However, no such mailing or delivery shall substitute for the notice of hearing and proof of service required in paragraph D above.

**RULE 8-4**  
**TELEPHONE CONFERENCE HEARINGS**

**A. Request for Telephone Conference Hearing:**

(1) No matter will be heard by telephone conference call unless all parties consent to such telephonically held hearing. A party who arranges for a telephone conference will be considered to have certified that such party has obtained the prior consent of all parties who are required or desire to participate in the hearing.

(2) Telephone conferences requested by the moving party shall be arranged prior to the filing of the motion, and the notice of hearing shall clearly state that the hearing will be held by telephone conference call. Telephone conferences requested by a party other than the moving party shall be arranged at least three (3) days prior to the hearing, and notice shall be filed by the party requesting the hearing, together with proof of service thereof on all opposing parties.

**B. Not Available When Nonwaivable Verbatim Record Involved:** Although in all instances a written journal entry of the decision of the court shall be made, no verbatim record will be made of any telephonically held hearing. Accordingly, no such hearing may be scheduled for any proceeding requiring a nonwaivable verbatim record under the provisions of Neb. Ct. R. of Prac. 5A(1) (rev. 1995).

**C. Waiver of Other Record:** Any party consenting to a telephonic hearing shall be deemed to have waived the verbatim record required only upon request under the provisions of Neb. Ct. R. of Prac. 5A(2) (rev. 1995). Conducting the hearing shall constitute the waiver of such optional verbatim record by the court.

**D. Initiation of Telephone Conference Call:**

(1) The party requesting the telephone conference call shall be responsible for initiating the call and shall provide for all expenses of the call.

(2) When a matter has been assigned for hearing on a regular motion day, the matter will not necessarily be heard at a specific time, unless the judge specifically sets a time certain. On such days, the assignment of a hearing time is approximate and is intermingled with other matters scheduled for hearings by personal appearance. The clerk will telephone to notify the party initiating the conference call to proceed immediately thereafter. The matter will be heard at a time reasonably convenient to the court and to those parties who appear on motion day.

(3) The party initiating the call shall utilize appropriate equipment and systems to assure that all persons participating have adequate sound quality and volume. If the court determines that the sound quality or volume is insufficient, the court may require the party initiating the call to utilize other means to complete the hearing by telephone.

**RULE 8-5**  
**STAMPED ENVELOPE; SIGNED COPIES**

Any proposed order, decree, or judgment mailed or delivered to the court shall be accompanied by a stamped envelope preaddressed to the clerk of the court, for use by the court in mailing the signed order to the clerk for filing. Any party desiring the return to such party of a signed, file-stamped copy of the order, decree, or judgment, shall provide the necessary copy of the document together with an additional preaddressed, stamped return envelope for the use by the clerk in mailing the signed copy to such party.

**RULE 8-6**  
**COURT FILES**

No person shall remove any case file from the clerk's office, except that any civil case file may be checked out by permission of the judge or clerk. No person other than a member of the Nebraska State Bar Association or a registered abstractor shall be permitted to check out a file without the special permission of the judge.

A receipt shall be signed for each file. Each file shall be returned within 5 days, or such lesser time required by the judge or clerk, and in any event no later than 1 day prior to any hearing concerning the file. Failure to return a file as required by the rule shall result in immediate suspension of check out privileges.

This rule does not apply to the judge or his designate.