

CHAPTER 1

ADMINISTRATIVE OPERATIONS

ARTICLE 1

ADOPTION, AMENDMENT, AND REPEAL OF SUPREME COURT RULES

Section.

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§ 1-101. Statement of purpose.

These guidelines are intended to aid the Supreme Court in the process of evaluation and enactment of Supreme Court rules and other necessary rules covering the practice of law and the administration of the judicial system.

§ 1-101 amended February 11, 2009, effective March 1, 2009.

§ 1-102. Definitions.

In this rule, unless the context or subject matter otherwise requires:

(A) "Official Supreme Court Rules" refer to the codified Nebraska Court Rules, Chapters 1 through 6, and amendments thereto.

(B) "Miscellaneous Supreme Court Rules" refer to Supreme Court rules, other than the codified Nebraska Court Rules referred to above, guidelines, policies, and best practices and amendments thereto, which are of general application relating to the operation of the judicial system and subject to the approval of the Nebraska Supreme Court.

(C) "External Rules" refer to rules and rule amendments of other courts, commissions, or entities which are subject to the approval of the Nebraska Supreme Court.

Rule II(A) and (B) amended October 14, 1999. Renumbered and codified as § 1-102, effective July 18, 2008; § 1-102(A) to (C) amended February 11, 2009, effective March 1, 2009.

§ 1-103. Rules consideration.

(A) Requests to consider the creation, amendment, or repeal of any rule as defined by § 1-102(A), (B), and (C) may be initiated by action of the Supreme Court or by any interested party, unless an existing rule contains specific language providing for procedure for amendment. Such request shall be submitted to the Clerk of the Supreme Court. The new rule or amendment shall be submitted, as a document separate from the request, both

in writing and in electronic format as an attachment to the following e-mail address, lanet.asmussen@nebraska.gov, and shall be in a Microsoft Word compatible format. Any language that creates a rule or is to be added to a rule shall be underscored, and any language to be deleted from a rule shall be overstruck. Any request submitted to the Clerk shall be rejected by that office and returned to the requesting party if it fails to comply with the requirements set forth above.

(B) The Supreme Court may:

(1) accept or approve the request and send it to the Reporter of Decisions for editing and formatting and subsequent resubmission to the Court for approval or adoption,

(2) deny the request, or

(3) defer action pending:

(a) additional comment from requestor,

(b) comment from staff or committee, or

(c) a formal written comment period.

(C) In the case of deferral pending a formal written comment period, notification of the pending rule amendments and solicitation of comment may be made in any publication(s) deemed advisable by the Supreme Court and notification of the pending rules requests and solicitations for comments may also be provided, as directed by the Court, to those identified as having a potential interest.

Any formal written comment period shall be for the period of time specified by the Court in such notification.

(D) At the completion of the comment period established above, the Court may accept, reject, or modify the rules request under discussion; the Court may request further written comment as provided in § 1-103(C) of this rule; or the Court may on its own motion or on the request of an interested party hold a public hearing on the rule amendment sought.

(E) If the Supreme Court determines to hold a public hearing on a proposed rule amendment, notification shall be given in the same manner as specified by § 1-103(C) of this rule. Such notification shall also contain the time and place scheduled for the hearing and the method by which the entire proposed rule amendment can be secured.

(F) Upon completion of the procedures set forth above in § 1-103(C), (D), and (E), and prior to Supreme Court consideration for initial acceptance or approval, such rule or amendment shall, unless otherwise directed by the Court, be reviewed by the Supreme Court Staff Attorney for any comments or recommendations to the Court. Upon report by the Staff Attorney and consideration of all other relevant materials, the Court shall accept, approve, or deny the requested rule or amendment or take further action as it deems appropriate.

After Court approval of a new rule or amendment to the "Official Supreme Court Rules," the approved rule or revision shall be forwarded to the Reporter of Decisions Office for editing and formatting. The Reporter shall thereafter return the edited and formatted version of the rule or amendment to the Court for final adoption.

After Court acceptance of any new rule or amendment to any “Miscellaneous Supreme Court Rules” or “External Rules,” the accepted version shall be forwarded to the Reporter of Decisions Office for editing and formatting. The Reporter shall thereafter return the edited and formatted version of the rule or amendment to the Court for final approval.

Rule III(A), (B), and (C) amended October 14, 1999; Rule III (F) adopted October 14, 1999; Rule III(A) amended June 5, 2002. Renumbered and codified as § 1-103, effective July 18, 2008; § 1-103(A) to (F) amended February 11, 2009, effective March 1, 2009.

§ 1-104. Rules publication and distribution.

(A) After adoption or approval by the Court of any new rule or amendment in the "Official Supreme Court Rules," "Miscellaneous Supreme Court Rules," or "External Rules," the Reporter of Decisions Office shall make changes to the rules as maintained on the Supreme Court’s website. “Official Supreme Court Rules,” as well as local court rules and Worker’s Compensation Court rules within the “External Rules,” recent amendments to such rules, and proposed amendments pending for comment shall be available on the Supreme Court’s website at <http://www.supremecourt.ne.gov/rules/index.shtml>. Any person requesting a complete or partial printed copy of the Court’s rules from the Clerk of the Supreme Court may be charged a fee as established by the Supreme Court and postage required for mailing such rules.

(B) All new rules or amendments to the "Official Supreme Court Rules," except for minor grammatical or editorial changes, shall be published in the Nebraska Advance Sheets for 2 consecutive weeks. All new rules or amendments to “External Rules” shall be published in the Nebraska Advance Sheets for 1 week. New rules or amendments to any "Miscellaneous Supreme Court Rules" may be published as directed by the Court.

Rule IV amended October 14, 1999; Rule IV amended June 5, 2002. Renumbered and codified as § 1-104, effective July 18, 2008; § 1-104(A) and (B) amended February 11, 2009, effective March 1, 2009.

§ 1-105. Limitations.

Nothing in this rule shall act to limit the Supreme Court from enacting such rules or adopting such orders as it deems necessary on an emergency basis.

Rule V amended October 14, 1999. Renumbered and codified as § 1-105, effective July 18, 2008; § 1-105 repealed and § 1-106 renumbered to § 1-105 on February 11, 2009, effective March 1, 2009.