

**RULES OF THE
DISTRICT COURT OF THE
SEVENTH JUDICIAL DISTRICT**

EFFECTIVE SEPTEMBER 22, 1995

RULE 7-1

SCOPE AND EFFECTIVE DATE

These rules for the district court of the Seventh Judicial District shall become effective upon approval by the Supreme Court and publication in the Nebraska Advance Sheets and shall supplement the Uniform District Court Rules of Practice and Procedure adopted by the Supreme Court.

Adopted effective September 22, 1995.

RULE 7-2

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.

Adopted effective September 22, 1995.

RULE 7-3

STIPULATIONS AND AGREEMENTS

All stipulations not made in open court or in chambers and recorded by the reporter and all agreements of counsel or parties to a suit must be reduced to writing and signed by the parties making the same and filed with the clerk, or they will not be recognized or considered by the court.

Adopted effective September 22, 1995.

RULE 7-4

CORRESPONDENCE WITH THE COURT

All correspondence with the court regarding pending litigation shall refer to the subject case by case title, number, and county, and a copy of such correspondence shall be mailed to opposing counsel or pro se litigant. If the correspondence entails the transmittal of pleadings or journal entries, orders, or decrees by the court, preaddressed, stamped envelopes required for those purposes shall be enclosed therewith.

Adopted effective September 22, 1995.

RULE 7-5

PRETRIAL CONFERENCES

Pretrial conferences will be set by pretrial progression order of the court.

Adopted effective September 22, 1995.

RULE 7-6

APPOINTMENT OF COUNSEL FOR INDIGENT INDIVIDUALS

A. Counsel for Indigent: All members of the bar residing within the Seventh Judicial District who are authorized to actively practice law by the Nebraska State Bar Association shall accept appointments to represent indigent defendants in juvenile, civil contempt, or criminal cases whenever ordered to do so.

B. Fees: Before the claim of any attorney appointed by the court is allowed, such attorney shall make a written motion for fees, positively verified, stating time and expenses in the case. Counsel shall also state in the motion that counsel has not received, and has no contract for the payment of, any compensation by such defendant or anyone in the defendant's behalf, or if counsel has received any fee or has a contract for the payment of same, to disclose the same fully so that the proper credit may be taken on counsel's motion.

Adopted effective September 22, 1995.

RULE 7-7

CIVIL, CRIMINAL, AND DOMESTIC RELATIONS DOCKETS

All pretrial and posttrial motions shall be heard on the next succeeding regularly scheduled civil motion day (established annually by order of the court) following expiration of 10 days after filing.

A. Civil Motion Calendar: The clerk of the district court shall maintain a Motion Calendar showing all such motions and shall mail a copy of the current portion of the Motion Calendar to the district judge then presiding, to each attorney of record, and to each party appearing pro se, having such motions assigned for hearing at least 1 week before such motion day. Counsel shall not be required to appear personally at the motion hearing. Counsel electing not to appear personally may provide the court with a written memorandum of authority in support of or opposition to the motion at least 3 days prior to the hearing date.

B. Criminal Calendar: The clerk of the district court shall maintain a Criminal Calendar showing all criminal matters and scheduling the same for hearing on the first Criminal Day after the filing thereof or as ordered by the court. All domestic abuse protection order matters shall also be set for hearing on the Criminal Calendar.

The clerk of the district court shall mail a copy of the current portion of the Criminal Calendar to the district judge then presiding, to each attorney of record, and to each party appearing pro se, having a case assigned for hearing, at least 1 week before such Criminal Day.

C. Domestic Relations Calendar: The clerk of the district court shall maintain a Domestic Relations Calendar showing all domestic relations matters and scheduling the same for hearing on the first Domestic Relations Day after the expiration of 60 days from the perfecting of service; provided, applications for modification shall be set for hearing on the first Domestic Relations Day after the expiration of 30 days from the perfecting of service; provided further, contempt proceedings shall be set for hearing on the first Domestic Relations Day after the expiration of 14 days from the filing thereof.

The clerk of the district court shall mail a copy of the current portion of the Domestic Relations Calendar to the district judge then presiding, to each attorney of record, and to each party appearing pro se having a case assigned for hearing, at least 1 week before such Domestic Relations Day.

The regularly scheduled motion day shall be the Criminal Day and Domestic Relations Day in Antelope, Cuming, Pierce, Stanton, Knox, and Wayne Counties, and the Domestic Relations Day and Criminal Day shall be as annually ordered by the court in Madison County.

The parties to a domestic relations action involving permanent custody or permanent visitation shall complete a court-approved parenting education course pursuant to the Order and Policy established by the Court and maintained on file with the Clerk.

Adopted effective September 22, 1995; amended December 20, 2002.

RULE 7-8

COURT FILES

No court file shall be removed from the clerk's office except under exceptional circumstances and then only for good cause shown. This rule shall not apply to transcripts or bills of exceptions.

Attorneys may check out transcripts and bills of exceptions from the clerk's office for not more than 7 days. Before removing any such transcript or bill of exceptions, a receipt therefor shall be executed and left with the clerk. If the transcript or bill of exceptions is not returned within 7 days, or sooner if ordered by the court, the clerk, by written notice, shall warn that checkout privileges will be suspended unless such item is returned forthwith. On failure of such return, the clerk is directed by the court to suspend until further order the checkout privileges of the involved attorney.

Any person may obtain photocopies of any public filings at a cost of 25 cents per page.

This rule shall not apply to the judge or his or her designate.

Adopted effective September 22, 1995.

RULE 7-9

MODIFICATION OF RULES

Upon a showing of good cause, any of the foregoing rules shall be subject to such modification by the court as may be necessary in special instances to meet emergencies or to avoid injustice or great hardship.

Adopted effective September 22, 1995.

RULE 7-10

TELEPHONIC CONFERENCE HEARINGS

A. Scope: Any non-evidentiary matter may be heard by telephonic conference if all parties consent to the same. All such hearings shall be recorded by the court reporter.

B. Request for Hearing: Unless the parties otherwise agree, the hearing shall be arranged and initiated by the party or counsel for the party filing the matter necessitating the hearing. The date, time, and court location of any telephonic hearing shall be arranged through the court's bailiff or court reporter prior to being set.

Adopted December 18, 2002.

RULE 7-11

SUMMARY JUDGMENTS

Both the moving party and the opposing party shall submit a brief in support of or in opposition to a motion for summary judgment at or prior to hearing. The brief of the moving party shall contain a statement of each material fact supporting the contention that there is no genuine issue to be tried. All briefs shall identify the specific documents (pleadings, depositions, affidavits, admissions, and other discovery responses) by page and line which are claimed to support the position of that party.

Adopted December 18, 2002.

RULE 7-12

MEDIATION IN DOMESTIC RELATIONS CASES

(Parenting Act, § 43-2920 et seq.)

Except as provided by § 43-2937(4), all parties to a domestic relations action involving child custody, child support, parenting time, visitation or other access, or removal from the jurisdiction of the court, including original actions or modifications, who have not submitted a stipulated parenting plan to the court by the date of the pretrial conference, or in the event there is no pretrial conference, by the date of the final hearing/trial shall be required to participate in mediation or specialized alternative dispute resolution in an effort to complete a stipulated parenting plan, and no final hearing/trial will be held until mediation has been attempted in accordance with §§ 43-2937(3) and 43-2939(6).

Approved May 12, 2010; effective July 1, 2010.