



CONTINUITY OF OPERATIONS PLAN (COOP)

NEBRASKA JUDICIAL BRANCH

TABLE OF CONTENTS

SECTION I: INTRODUCTION	2
<u>I-1</u> Purpose and Objective	2
<u>I-2</u> Applicability and Scope	2
<u>I-3</u> Planning Considerations and Assumptions	2 - 3
SECTION II: PLAN ELEMENTS.....	3
<u>II-1</u> COOP Execution.....	3
<u>II-2</u> Directories	3 - 4
<u>II-3</u> Mission Essential Functions	4 - 5
<u>II-4</u> Alternate Facilities	5 - 6
<u>II-5</u> Communications	6
SECTION III: MAINTAINING YOUR COOP.....	6
SECTION IV: IMPLEMENTING YOUR COOP	7
EMERGENCY PREPAREDNESS TECHNOLOGY RECOMMENDATIONS	8
DEVOLUTION.....	9
ANNUAL REPORT COVER PAGE (Example only).....	10
APPENDIX A (Example only)	11
Employee Directory	11
APPENDIX B (Example only)	12
Stakeholders and Resources Directory	12
APPENDIX C (Example only)	13 - 14
Mission Essential Functions by CEMT	13 - 14
APPENDIX D (Example only)	15
Alternate Facilities	15
APPENDIX E (Example only)	16
Media Contacts	16
Index of Resources.....	17 - 18

SECTION I: INTRODUCTION

I-1 PURPOSE AND OBJECTIVE

A well-prepared and maintained Continuity of Operations Plan (COOP) is a valuable resource to help trial courts respond to any emergency.

This COOP establishes guidance to ensure the execution of **mission essential functions** in the event that an emergency in the County/State/Nation threatens or incapacitates your operations. Specifically, this plan is designed to:

1. Ensure the court(s) is prepared to respond to emergencies, recover from them, and mitigate against their impacts.
2. Ensure the court(s) is prepared to provide critical services in an environment that is threatened, diminished, or incapacitated.

The objective of this COOP is to ensure courts are prepared to continue **mission essential functions** across a wide range of potential emergencies, including when technology fails (internet outage, video conferencing outage, JUSTICE outage, etc.) within the office and/or courtroom, or the primary facility is either threatened or inaccessible requiring relocation to an **alternate facility**.

Nebraska Supreme Court Rules [§ 6-1474](#), [§ 6-1528](#), and [§ 6-1707](#) require district, county and juvenile court judges to adopt local rule(s) setting out the procedures governing emergency modified court operations in their judicial district. The COOP provides a consistent format for courts to collect and communicate requirements set out by the rule.

The COOP should be consistent with and supportive of the local rules across the judicial district insofar as facilities and local resources allow. Judges, district court clerks, clerk magistrates, chief probation officers, and justice stakeholders should communicate and collaborate in preparing and executing a COOP to ensure a consistent response and message to any emergency. All planning should also be in cooperation with local officials and agencies when possible.

I-2 APPLICABILITY AND SCOPE

1. This document is applicable to the named Nebraska Trial Courts.
2. Support from state agencies and local governments will be coordinated primarily through the Judge(s), Clerk of District Court, Court or Judicial Administrator (if applicable), and the Clerk Magistrate as described below.

I-3 PLANNING CONSIDERATIONS AND ASSUMPTIONS

A viable COOP must be maintained at a high-level of readiness. A viable COOP must also:

1. Be capable of implementation with or without warning;

2. Be operational no later than three hours after activation, which would also include any technology failures;
3. Provide guidance regarding sustaining operations for up to 30 days; and
4. Take maximum advantage of existing State or Federal and local government infrastructures.

SECTION II: PLAN ELEMENTS

II-1 COOP EXECUTION

Emergencies, or potential emergencies, may affect the ability of the trial court(s) to perform mission essential functions from any or all primary court facilities in counties included in the plan. Local court rules outline the criteria for executing the COOP in the judicial district. Examples of scenarios that could mandate the activation of the COOP might include:

1. Judge(s), court staff, and Probation are not able to perform mission essential functions due to, for example, a pandemic, natural disaster, technology failures within the office and/or courtroom, or other unexpected event.
2. Any primary court or probation facility in the County/District is closed to normal business activities as a result of an event or credible threats of an event that would preclude access or use of the court facility and the surrounding area.
3. Any city in the County/District is closed to normal business activities as a result of a widespread utility or technology failure, natural disaster, pandemic, significant hazardous material incident, civil disturbance, or terrorist or military attacks. Under this scenario there could be uncertainty regarding whether additional events such as secondary explosions, or cascading utility failures could occur.

II-2 DIRECTORIES

Appropriate contact information should be established prior to the outset of an emergency event. Appendixes must be updated as needed and provided to those responsible to coordinate and facilitate emergency response and communications and their designees.

1. Judges and Personnel

Use **Appendix A** in the [COOP – Annual Reports](#) packet to compile names and contact information for judges and court and probation staff (to view an example of Appendix A in this guide, use this [link](#)). Information should be compiled for the district and organized for ease of use. Depending upon the district, for example, that may mean a page for each division, each office, or each county.

Collecting names and contact information in advance will be convenient and quicker for those dealing with a crisis or emergency.

2. Stakeholders and Resources

Use **Appendix B** in the [COOP – Annual Reports](#) packet to compile names and contact information for officials, service providers and stakeholders who may also be needed to address an emergency (to view an example of Appendix B in this guide, use this [link](#)). These may include:

- a. Law enforcement: For example, police, sheriff, state patrol, jail authorities, health department and city/county emergency management.
- b. Facility and Resource Managers: For example, building maintenance, security (if not part of law enforcement), county board, county clerk, and IT support.
- c. Stakeholders: For example, county commissioners, county attorney, public defender, local bar association, passport agency, Family Violence Coalition, safety center directors, title companies, mental health facilities, treatment programs for substance and/or alcohol abuse, problem solving courts, and schools.
- d. Services and Resources: For example, microfilm providers, shredding company, phones, and information technology providers including the Nebraska Judicial Branch Help Desk and your local county information technology department if available. Those responsible for purchasing or leasing equipment and services should consider flexibility and remote access, which may be critical in responding to an emergency.

The court will use the contacts(s) compiled in **Appendix A and B** to select and activate a Court Emergency Management Team (CEMT) to make the decisions necessary to respond to the emergency.

II-3 MISSION ESSENTIAL FUNCTIONS

It is important to identify mission essential functions before an emergency. Any function that is essential, including any technology failures that occur in the courtroom and/or office, that cannot be deferred for a 30-day period should be included as a mission essential function. Any function not deemed mission essential must be deferred until additional personnel and resources become available.

For courts with a staff of five or more, it is encouraged staff be cross trained in mission essential functions so such functions can be delegated to other staff, if necessary. It is important that staff is trained on the COOP and understand their responsibilities and potential responsibilities if the Judge and Clerk are unavailable.

For courts with staff of less than five, in addition to cross training, these courts may want to consider entering into agreements with other clerks' offices in the county (district and county courts) or with other counties in the judicial district (clerk magistrates and/or clerks of the district court). (See the [Index of Resources](#) for sample agreements and court orders).

Use **Appendix C** in the [COOP – Annual Reports](#) packet to develop plans to prepare each court or office

to provide mission essential functions mandated by Federal or State Law or Supreme Court and local rule, as outlined in the judicial district's local court rule (to view an example of Appendix C in this guide, use this [link](#)). Every effort must be made to resume the court's mission essential functions in a reasonable time to comply with federal or state laws and case progression standards.

Mission essential functions are determined in the local court rule for your district, but may include:

- Arraignments, bond reviews and court appointments
- Hearings, bond reviews, arraignments and habeas corpus hearings for in-custody defendants
- Probable Cause Affidavits, Warrants, Search Warrants
- Protection orders
- Jury trials
- Juvenile emergency detention hearings
- Mental health hearings
- Appeals
- Adoptions
- Landlord/tenant – Forcible Entry and Detainer
- Access to court-by-court users, Probation clients, and the public
- Accept and process new cases and pleadings
- Receipt, Deposit and account for money paid to the court
- Hear Criminal, Civil and Probate Cases
- Technology in the courtroom and court offices

II-4 ALTERNATE FACILITIES

It is important to predetermine viable alternate facilities before an emergency to ensure staff can relocate if necessary. Disasters can be local in nature or affect large geographical areas. Selecting two sites, one near the court and one farther away, is optimal.

Factors to consider when choosing an alternate facility include adequate space for courtrooms and offices, the security and handicap accessibility of the facility, as well as parking, telephone line access, and internet access. Agreements regarding the use of the alternate facilities should be executed prior to an emergency event with local emergency agency and any other appropriate organization.

Additional considerations for alternative facilities are outlined in “Implementing Your COOP.”

When alternative facilities have been identified, use **Appendix D** in the [COOP – Annual Reports](#) packet to record the name of the facility, address and contact name(s) and information (to view an example of Appendix D in this guide, use this [link](#)). Contracts should include details such as liability insurance coverage. If a contract exists with an alternative facility, maintain a copy of that contract with the COOP.

II-5 COMMUNICATIONS

The local court rule will designate the judge(s) or designees responsible for coordinating and facilitating communication during the emergency.

1. Internal:

- a. Maintain the COOP in a place readily accessible by the judge(s) and staff. Print one copy to maintain in an offsite location to allow access if electronics fail.
- b. Email terry.wise@nejudicial.gov, Deputy Chief Information Officer - IT, a copy of the COOP.
- c. Ensure every court/office has an email or text network to coordinate communication at a minimum with judges, court and probation staff, AOCP, and security.
- d. Send all Administrative Orders, needs and concerns to the State Court Administrator and/or designated AOCP staff, who can provide support, information and disseminate news regarding emergency response via the website.

2. External:

- a. Communication with the public and members of the local bar is a critical component to any emergency response effort. This includes development of signage for courtrooms, offices and public areas.

Use **Appendix E** in the [COOP – Annual Reports](#) packet to record contact information for newspaper(s), radio stations and television, local websites, local bar association, and potential e-messaging services (to view an example of Appendix D in this guide, use this [link](#)).

SECTION III. MAINTAINING YOUR COOP

Annually, presiding judges, clerks of the district court, clerk magistrates and probation should review the COOP(s). Thinking through potential scenarios and identifying in advance those agencies, people and resources needed to address a crisis will allow for quick, confident, and consistent responses. The COOP should be updated annually or as needed to ensure current resources and contact information. Members of the Court Emergency Management Team (CEMT) should know where the COOP is located and their potential role in implementation of the COOP should it be required.

SECTION IV. IMPLEMENTING YOUR COOP

Only the Chief Justice of the Nebraska Supreme Court has the authority to close a court by issuing an order declaring a nonjudicial day. [Neb. Rev. Stat. § 25-2221](#). The Chief Justice has broad powers to act under emergency conditions. [Neb. Const. Art. V, Sec. 1](#); [Neb. Ct. R. § 1-105](#).

A judge does not have the authority to “close the court.” However, a judge does have the authority, for example, to implement as needed: the adjusting of staff schedules, reducing in-person proceedings as much as possible; increased use of technology; allowing staff to telecommute; instructing attorneys and litigants about safety precautions; and adjusting the docketing of cases.

The presiding judge(s) must immediately notify the Chief Justice and the State Court Administrator prior to making any adjustment to court operations that would interrupt or suspend any mission essential functions.

EMERGENCY PREPAREDNESS TECHNOLOGY RECOMMENDATIONS FOR CLERKS INCLUDE THE FOLLOWING:

1. Be sure your key staff (and judges) can be mobile and work from alternate locations. Anyone who has the possibility to do court work remotely should be issued a laptop as their primary working device instead of a PC. For clerks that work in multiple courts it is best practice to have a laptop that can move from court to court easily by having compatible docking stations with monitors installed at the clerk's desk in those offices. For clerks and judges who access JUSTICE on their devices it is necessary to have state VPN account and Cisco AnyConnect software installed. These can be requested via NSC IT. Do not wait until there is an emergency to verify that you and your staff have VPN access and know how to use it.
2. Consider the logistics of moving your courtroom to another location. In the event the courtroom is not usable, can the equipment there be easily moved to another site? This would include courtroom computers, cameras, and digital recording equipment if installed. Many free-standing systems can be packed and moved, however courtrooms with hard-wired microphones, etc. may not be easily transferred. There are five (5) mobile digital recording setups available in the state. They are located in Hall, Lincoln, Madison and Scottsbluff County Courts, and in the Supreme Court/Court of Appeals. Email the clerk magistrate or clerk of court to request its use.
3. Talk to your scanning provider. Find out what options you have for scanning of filed documents in the event your office is inaccessible. A portable scanner that connects to a laptop could be an option they offer.
4. Get your daily reports sent to email. The JUSTICE Help Desk can work with you to have daily reports emailed rather than printed. If you are pro-active in setting up your reports this way, you can be sure to receive them anywhere.
5. Transition as many processes as you can to paperless options. Talk to law enforcement about electronic warrants and returns. Train staff to offer self-represented litigants electronic notice consent forms and enter emails in JUSTICE. Encourage attorneys to use the email option to receive summons documents. Discuss with your judge the options within their portal and using e-filed proposed orders/signed orders. The less reliant you are on printing, the more flexibility you will have in case of an emergency where accessing a state networked printer is not possible.
6. Make sure to consider potential technology failures that may occur. Technology failures can include, but are not limited to, internet outages, issues with the JUSTICE system, Judge's Portal outages, power outages, and intranet downtime. Consider having any necessary forms readily available in case of a technology failure.
7. Resources for judges within the judge portal include:
 - a. [Filing an order in PDF Tutorial](#);
 - b. [Creating and filing template orders Tutorial](#);
 - c. [Creating Docket Entries Tutorial](#) (judge notes, templates, drafts and submissions);
 - d. [Looking Up Case Information Tutorial](#);
 - e. [Signing Orders with Adobe Tutorial](#); and
 - f. [Signing Orders with Nitro Pro Tutorial](#).

DEVOLUTION:

1. Recovery

- a. After each emergency, remember the importance of an objective review of what worked and what did not work in the plan.
- b. Meet with the CEMT and obtain input from stakeholders so the COOP can be amended or note additional information that may be helpful to the team or their successors.
- c. Distribute the amended COOP to potential CEMT members and the AOCP so information is available for future emergencies.

CONTINUITY OF OPERATIONS PLAN (COOP) NEBRASKA JUDICIAL BRANCH

This document is an operational plan for responding to emergencies within the Nebraska Judicial Branch.
The document should be reviewed and updated at least annually.

An updated document must be emailed to terry.wise@nejudicial.gov by December 31

For [redacted] County/Judicial District

Enter Courts:

Court(s)

Date Reviewed/Updated: [redacted]

Applicable Local Court Rule(s): [redacted]

COMMUNICATIONS

The primary individual to
assimilate and disseminate
information will be:

primary contact:

back-up individual is:

back up contact:

CEMT CONTACTS

The contact information for the Presiding Judge(s), District Court Judge(s), County Court
Judge(s), Separate Juvenile Court Judge(s), Clerk of the District Court, Clerk Magistrate, and
Chief Probation Officer(s), as well as any alternates are listed below.
Additional AOCB contacts are listed below.
See Appendix B for stakeholders who are members of the CEMT.

Court Administrator

Corey Steel 402-471-3182
Deputy Administrator for 531-350-0115

corey.steel@nejudicial.org
amy.prenda@nejudicial.org

Court Services Amy Prenda

Chief Information Officer – IT 402-904-1063
Samoz Ahmadi

samoz.ahmadi@nejudicial.org

Deputy CIO – IT

531-510-2665

terry.wise@nejudicial.org

Supreme Court IT Help Desk

1-888-254-5856 - opt. 3

helpdesk@nejudicial.org

402-480-8138

james.kohnson@nejudicial.org

IT Security Officer

402-890-2613

julie.friede@nejudicial.org

Appendix A - Judges and Court and Probation Personnel										Name of county: County	
<p>COURT KEY: CC - County Court; DC - District Court; JV - Juvenile Court; PR - Probation.</p> <p>LOCATION KEY: CH - Court House; JC - Justice Center; PO - Probation Office; OS - Other Site.</p>										CEMT (Yes/No)	
Employee Name (Last, First)	Court Type	Work Location	Job Title	Phone Numbers		Home Address (Street Address, City)	Email Address				
				Work	Cellular		Office	Home			
Add Line											
Sample, John	CC	JC	Presiding Judge	999-999-9999	999-999-9999	9999 First Street, York	samplej@fcourts.org	samplej99@yahoo.com		No	

Appendix B – Stakeholders and Resources										Name of county. County	
NOTE: Some common numbers have been provided for you. Not all resources will need to be contacted for every situation. This list provides you with various options.											
Agency or Stakeholder Name	Contact Name	Job Title	Phone Numbers		Location Address (Street Address, City)	Email Address		CEMT (Yes/No)			
			Work	Cellular		Office	Home				
Add Line											
Sample: Courthouse Maintenance	John Smith	Facility Director	999-999-9999	999-999-9999	9999 First Street, York	sample1@flcourts.ig	sample99@yahoo.com	Yes			
Nebraska State Patrol			402-471-4545					Yes			
Sheriff _____ County								Yes			
City Police _____								Yes			
Medical _____								Yes			
Fire and Rescue _____								No			
American Red Cross _____			800-733-2767					No			
Emergency Management Office _____ County								No			
Nebraska State Emergency Management Office			402-471-7421								
Federal Emergency Management Agency			1-800-621-FEMA (3362)								
Nebraska Fire Marshall			402-471-2027								
Lt. Governor (Homeland Security)			402-471-2256								
Nebraska.gov			402-471-6582								
State Court Administrator			402-471-3730								
Facility Maintenance Manager											

Appendix C - Mission Essential Functions by Court Emergency Management Team			
Instructions: Mission essential functions must resume as quickly as possible, although the method for providing those functions may look very different than your court's usual practice. Upon implementation of your COOP, use this form as a tool to identify mission essential functions in your court and judges and staff needed to develop and implement a plan			
Mission Essential Functions	Judges and Essential staff	Plans, tools, and resources	

Appendix D - Alternate Facilities

Appendix D - Alternate Facilities							
Current Facility and physical location: <div></div>							
Alternate Facility and physical location	Contact	Department	Phone Numbers		Email Address		Is a contract signed?
			Work	Cellular	Office	Home	
Sample: York City Auditorium, 612 N. Nebraska Avenue, York, NE	Any Anyone	Primary Contract	XXX-XXX-XXXX	XXX-XXX-XXXX			Yes
	Johnny Smiley	IT administrator	XXX-XXX-XXXX	XXX-XXX-XXXX			additional information
	Cooper Conduct	Facility Maintenance	XXX-XXX-XXXX	XXX-XXX-XXXX			
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INDEX OF RESOURCES

NEBRASKA SUPREME COURT
<u>Nebraska Supreme Court Administrative Orders</u>
TRIAL COURTS – ORDERS AND MEMOS
<u>Administrative Order Limiting Court Access - Douglas County</u>
<u>5th Judicial District Judicial Administrative Order</u>
<u>Administrative Order - Douglas County</u>
<u>Administrative Order - 7th Judicial District</u>
<u>Administrative Order - 12th Judicial District</u>
<u>MS 21-30 Administrative Order - Douglas County - Jury Trials</u>
<u>Fourth Administrative Order – Scottsbluff County</u>
<u>Administrative Orders - Jury - Douglas County</u>
<u>Judges Memo - Juror - Scottsbluff County</u>
<u>Appointment of Clerk Magistrates with Reciprocal Duties 11th District</u>
<u>Travel Restriction Procedures - Scottsbluff County</u>
<u>Scottsbluff Courthouse COVID-19 Plan</u>
<u>Memorandum of Understanding (MOU) – Hall County</u>
<u>Essential Functions from Jefferson County</u>
TRIAL COURTS – COMMUNICATION/SIGNAGE
<u>Keith County - Party Information Labels</u>
<u>Instructional Letter for Counsel</u>
<u>Scottsbluff County Press Release</u>
<u>Perkins County Party Notice Telephone Hearing</u>
<u>Morrill County Memo - Jury Panel</u>
<u>Courtroom Seating Notice</u>
<u>Box Butte County - Remote Hearing Instruction</u>
<u>Juror Information - Douglas County</u>
<u>Modified Operations - Notice to Staff</u>
NATIONAL CENTER FOR STATE COURTS
<u>Employee Welfare and Staffing Strategies Table 2-12B COOP</u>
<u>Alternative Facility Evaluation Checklist Table 2-10A COOP</u>
<u>Alternative Facility Locations Table 2-10B COOP</u>
<u>Go Kit Checklist Table 2-10C</u>
TECHNOLOGY GUIDE
<u>Nebraska Video Conferencing With The Court</u>
<u>Remote Hearings - Zoom</u>
<u>Special Video Conferencing Procedures - 8th Judicial District</u>
<u>IT Instructions for Clerks Working in Another County</u>

AOCP COURT SERVICES
<u>Template for Reciprocal Support Agreement between District and County Court</u>
<u>Emergency Preparedness Plan for Trial Courts</u>
<u>Emergency Preparedness Plan for Probation</u>