

On May 27, 2026, the Nebraska Supreme Court approved the following rule amendments to the Rules of the County Court of the Sixth Judicial District:

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**Rules of the County Court of the Sixth Judicial District**

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**Rule 6.1. Criminal Cases**

(A) Appearances:

(1) Defendants in Custody. All Defendants arrested on a criminal charge shall be brought before the Court no later than 7 days after arrest if they are still in custody.

(2) Defendants Not in Custody. All Defendants cited or arrested and released on bond on criminal matters shall, within 21 days of their citation or date of arrest, have a scheduled court hearing.

(3) Defendants Cited for Traffic Infraction. All Defendants cited for a traffic infraction shall, within 30 days of the date of the citation, have a scheduled court hearing.

(B) Criminal Complaints Filed: The prosecutor shall file a Complaint on all criminal cases at least 24 hours prior to Defendant's first appearance. The Complaint shall include the statute numbers of the criminal charge.

(C) Motions to Dismiss: A Motion to Dismiss filed by the prosecutor must indicate whether it is dismissed with or without prejudice and at whose costs.

(D) Written Waivers and Pleas of Not Guilty: Defendants with counsel may file a waiver of first appearance and written not guilty plea as provided in Neb. Rev. Stat. § 29-4206 or using the approved forms maintained by the County Court.

(E) Written Waivers of Preliminary Hearings: Defendants with counsel may file a written waiver of preliminary hearing as provided in Neb. Rev. Stat. § 29-4206 or using the approved forms maintained by the County Court, after the Defendant has appeared before the County Court and been advised in person of their rights and possible punishments.

(F) Proposed Jury Instructions: Unless otherwise ordered, each party must file proposed jury instructions 21 days before the first day of trial.

(G) Appointment of Counsel for Indigent Defendants in Criminal Cases: The following rule is adopted by the County and District Courts of the Sixth Judicial District for the appointment of indigent counsel for individuals charged with crimes of misdemeanors and felonies after January 1, 2015. This rule shall not apply to criminal proceedings in

which the court appoints the Public Defender or the Nebraska Commission on Public Advocacy.

- I. GENERAL.
- II. Appointments of private attorneys shall be made on an impartial and equitable basis.
- III. The appointments shall be distributed among the attorneys on a rotation system except as provided in Section III.
- IV. Cases shall be assigned to attorneys of sufficient experience, skill, and competence to render effective assistance of counsel to defendants.
- V. Complex cases shall be assigned to attorneys with sufficient levels of experience and competence to provide adequate representation.
- VI. Less experienced attorneys should be assigned cases which are within their capabilities, but should be given the opportunity to expand their experience under supervision.
- VII. COURT-APPOINTED ATTORNEY LIST.
- VIII. Each County and District Court shall maintain a court-appointed attorney list from which attorneys shall be appointed to represent indigent defendants.
- IX. Attorneys may contact the County and District Court in each County and request the Clerks thereof to place them on, or remove them from, the court-appointed list.
- X. The Clerks shall make the court-appointed attorney list available upon request.
- XI. METHOD OF SELECTION FROM COURT-APPOINTED LIST.
- XII. The court will generally attempt to appoint attorneys from the court-appointed attorney list on a rotational basis, subject to the court's sole discretion to make exceptions due to:
  - XIII. the nature and complexity of the case;
  - XIV. an attorney's experience;
  - XV. the nature and disposition of the defendant;
  - XVI. a language consideration;
  - XVII. a conflict of interest;
  - XVIII. the availability of an attorney, taking into consideration an immediate need to address issues involved in the case;
  - XIX. geographical considerations; and
  - XX. other relevant factors that may be involved in a specific case.
- XXI. If the court in its sole discretion varies from the rotation basis, it may appoint any qualified attorney, whether or not the attorney is on the court-appointed attorney list.
- XXII. REMOVAL AND REINSTATEMENT FROM APPOINTMENT LIST.

- XXIII. Judges will monitor attorney performance on a continuing basis to ensure the competency of attorneys on the list. An attorney may be removed from the appointment list by a majority vote of County and District Court judges.
- XXIV. If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns with his or her performance giving rise to consideration for removal, and be given the opportunity to respond in writing or in person before a final decision is made.
- XXV. An attorney who has been removed from the list may be considered for reinstatement by a majority vote of the judges, after the deficiencies contained in the notice have been resolved.

(H) Court-Appointed Attorney Fees and Expenses:

(1) Court-appointed attorneys must submit the completed application as provided in Neb. Ct. R. § 6-1407 for fees and expenses within 90 days after sentencing or dismissal of a case.

(2) If the case is a felony and resolved in District Court, an application for fees must be filed in County Court for the work done prior to the case being bound to District Court and a separate application for fees must be filed in the District Court for the work done after the case was bound over. The application for fees filed in the District Court is to include any payments requested from County Court.

(3) The Court shall allow reasonable expenses, including drive time and mileage. The hourly fee and mileage reimbursement shall be by majority vote of the Judges and shall be kept on file with the clerk.

(I) Pretrial Release: The County Court authorizes the use of a pretrial release program if a Defendant is not able to post bond and pretrial release is available through the County jail. In counties where such a program is available, approved application forms shall be kept on file with the clerk.

(J) House Arrest: The County Court authorizes the use of a house arrest program if available through the County jail and needed for a medical reason. In counties where such a program is available, approved application forms shall be kept on file with the clerk.

(K) Work Release: The County Court authorizes the use of a work release program if available through the County jail. In counties where such a program is available, approved application forms shall be kept on file with the clerk.

(L) Time Pays:

(1) When a Defendant is issued a fine or Court costs are assessed the Court shall give a date certain to pay the amount due or to show cause why they should not be found in contempt of Court.

(2) If after the issuance of a warrant, but prior to being arrested for failure to abide by the time pay agreement, the Defendant comes into compliance by paying, the warrant shall be vacated.

### **Rule 6.2. Civil and Probate Cases**

(A) Affidavit: Affidavits for any hearing must be provided to the opposing parties at least 24 hours in advance of the hearing, excluding nonjudicial days.

(B) Judicial Notice: When requesting the Court to take judicial notice, the requesting party must specifically identify the requested item, mark it as an exhibit and offer it.

(C) Motions For Substitute Service: Parties must comply with Neb. Rev. Stat. § 25-517.02 before a Motion for Substitute Service will be granted.

(D) Post Judgment Interest: Post judgment interest will be applied in all civil cases when a judgment is entered as provided in Neb. Rev. Stat. § 45-103.

(E) Motions: All Motions set for hearing must be served on the opposing parties at least 10 days prior to the hearing.

(F) Wills: When filing an informal probate, the letters for personal representative will not be issued until the original will, or an authenticated copy as provided in Neb. Rev. Stat. § 30-2414(2), is filed with the Court.

### **Rule 6.3. Landlord/Tenant Cases**

(A) Service: Service by posting may be perfected after parties comply with Neb. Rev. Stat. § 76-1442.

(B) Default: The moving party must present evidence even if a Defendant is in default. This may be done by testimony or affidavit.

#### **Rule 6.4. Juvenile Cases**

(A) Prehearing Conference: The Court will schedule a prehearing conference on all juvenile cases involving a petition filed pursuant to Neb. Rev. Stat. § 43-247(3)(a) prior to the first appearance when possible

(B) Pretermination Conference: Prior to any trial on a Motion to Terminate Parental Rights, there shall be a pretermination conference.

(C) Appointments and Fees/Expenses:

(1) The Court shall appoint an attorney or public defender or Guardian Ad Litem (GAL) in any juvenile matter when the parent or child is deemed indigent by testimony or affidavit, after a request has been made or is required by statute.

(2) Each County shall maintain their own list for court-appointed counsel and GAL. Counsel will be appointed cases on a rotating basis factoring in experience, training, complexity of the case, disposition of Defendant, language, availability, geographical location and other relevant factors.

(3) The Court shall allow reasonable expenses, including drive time and mileage. The hourly fee and mileage reimbursement rates will be by majority vote of the Judges and shall be kept on file with the clerk.

(4) Applications for fees and expenses, as provided in Neb. Ct. R. § 6-1407, shall be submitted within 90 days after disposition and after any review hearing.

#### **Rule 6.5. Protection Orders**

(A) Motion to Dismiss/Vacate or Modify: Any Motion to Dismiss, Vacate, or Modify must be set for hearing.

(B) No Service: When there is no personal service on an Order to Show Cause set by the Court, the Court will allow one continuance. If service is not perfected after said

continuance, the Court may dismiss the matter without prejudice unless good cause is shown.

**Rule 6.6. Small Claims Cases**

(A) No Service: When there is no service on a small claims case, the Court will allow one continuance. If service is not perfected after said continuance, the Court may dismiss the matter without prejudice at Plaintiff's cost unless good cause is shown.

(B) Mediation: The Court may order the parties attend mediation through the Nebraska Mediation Center before hearing small claims cases when possible.

**Rule 6.7. Protocol for Virtual Meetings for the Sixth Judicial District Video/Telephone Appearances**

~~Virtual meetings will~~ Video and telephonic hearings shall be available for nontestimonial proceedings based upon the sole discretion of each County ~~and District~~ Judge within his/her courtroom. Requests to participate by ~~virtual~~ video or telephonic proceedings shall be made to the Bailiff/Courtroom Clerk at least 48 hours in advance of the hearing. Each party appearing remotely will need to be logged in 5 minutes in advance of the hearing.

Testimonial hearings shall not be conducted ~~remotely~~ by video or telephone except for when extraordinary circumstances arise and ~~then it will be~~ at the sole discretion of the County ~~and District~~ Judge within his/her courtroom, consistent with Neb. Rev. Stat. §§ 24-303 and 24-734.

**Rule 6.8. County Court Modified Operating Procedures for Sixth Judicial District**

The following rule is adopted by the District and County Courts of the Sixth Judicial District for modified operating procedures effective January 1, 2022.

(A) A- Purpose: This rule is to establish a procedure for determining when Modified Operating Procedures shall be implemented and what those procedures shall be.

(B) B- Applicability: These procedures to be followed only upon a determination that normal operating procedures have been interrupted.

~~(C) C~~: When does implementation occur: Implementation of Modified Operating Procedures shall occur upon a determination by the presiding Judges of the District and County Court of the Sixth Judicial District.

(1) Implementation shall occur upon mandates by Federal, State, or Local Government or upon determination by the District and County Court Judges after consulting with relevant local stakeholders, as determined by the local Judges and the presiding Judges.

(2) Local stakeholders shall include, but not be limited to, the following: County Board, Local Law Enforcement (police and Sheriff), County Attorney's Office, Public Defender's Office, Sixth Judicial District Judges, Local Health Boards, Probation, Corrections, Local County Bar Association, and County and District Court Clerks and Clerk Magistrates.

(3) It will be the duty of the Presiding Judges of the County Court and District Court to coordinate and facilitate communications with the stakeholders to plan and implement modified court procedures.

~~(D) D~~: Notice: Notice of implementation of Modified Operating Procedures shall be by posting on the Local Courthouse, media outlets, web sites, and any other means as determined by the Presiding Judges.

~~(E) E~~: Modified Operating Procedures:

(1) Upon interruption of normal operating procedures by pandemic, natural disaster, or any other unforeseen circumstance, the Court shall proceed to modify its operating procedures to ensure that all essential functions of the Court continue:

(2) Essential functions shall include the following:

(a) All custodial criminal proceedings;

(b) Protection orders;

(c) Receipt of all filings;

(d) Criminal warrants (not to include time payment warrants);

(e) Juvenile intakes;

- (f) Receipt of financial payments;
- (g) Processing of appeals;
- (h) Habeas corpus proceedings;
- (i) Statutorily mandated proceedings;
- (j) Emergency ex parte custody orders and emergency placement orders; and
- (k) Any other matters deemed essential upon determination by the presiding Judges of the District.

(3) The Presiding Judges of the County and District Courts of the Sixth Judicial District shall develop protocols and procedures to allow the Courts to carry on essential functions. Those may include the following:

- (a) Use of virtual proceedings- (i.e., Webex, Zoom, etc.);
- (b) Relocation of the actual courtrooms;
- (c) Alternative filing methods; and
- (d) All other protocols deemed necessary by the Presiding Judges to carry on essential functioning.

(F) ~~F~~. Notification: Notification of these protocols shall be by posting, e-mail, and any other methods available to ensure notice to Parties, Counsel, and the public.

(G) ~~G~~. Return to Normal Operating Procedures: The Presiding Judges of the District shall be responsible for determining when the Courts return to normal operating procedures. Notice shall be provided as mentioned above to inform parties, counsel, and the public of the return to normal functioning.