

On February 11, 2026, the Nebraska Supreme Court approved the following rule amendments to Workers' Comp. Ct. R. of Proc. 9, 10, 12, 14, and 21:

RULES OF PROCEDURE

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NEBRASKA WORKERS' COMPENSATION COURT

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RULE 9

REPORTING OR RECORDING THE PROCEEDINGS

The employer or, if insured, the employer's insurance carrier shall furnish a court reporter to be present and report or, by adequate mechanical means, to record and, if necessary, transcribe proceedings of any hearing. The court reporter's charges for attendance shall be paid initially to the court reporter by the employer or, if insured, by the employer's insurance carrier. The court reporter shall faithfully and accurately report or record the proceedings. If the State of Nebraska, Workers' Compensation Trust Fund, is the only defendant, it shall furnish and pay initially the court reporter's charges.

Court reporters recording the proceedings must comply with the Nebraska Supreme Court's appellate court rules when preparing any bill of exceptions. The court reporter must submit bills of exceptions using a system prescribed by the court clerk.

RULE 10

EVIDENCE

A. **Medical and Vocational Rehabilitation.** The Nebraska Workers' Compensation Court is not bound by the usual common law or statutory rules of evidence; and accordingly, with respect to medical evidence on hearings before a judge of said court, written reports by a physician or surgeon duly signed by him, her or them and itemized bills may, at the discretion of the court, be received in evidence in lieu of or in addition to the personal testimony of such physician or surgeon; with respect to evidence produced by vocational rehabilitation experts, physical therapists, and psychologists on hearings before a judge of said court, written reports by a vocational rehabilitation expert, physical therapist, or psychologist duly signed by him, her or them and itemized bills may, at the discretion of the court, be received in evidence in lieu of or in addition to the personal testimony of such vocational rehabilitation expert, physical therapist, or psychologist. A

sworn statement or deposition transcribed by a person authorized to take depositions is a signed, written report for purposes of this rule.

A signed narrative report by a physician or surgeon, vocational rehabilitation expert, or psychologist setting forth the history, diagnosis, findings and conclusions of the physician or surgeon, vocational rehabilitation expert, or psychologist and which is relevant to the case shall be considered evidence on which a reasonably prudent person is accustomed to rely in the conduct of serious affairs. The Nebraska Workers' Compensation Court recognizes that such narrative reports are used daily by the insurance industry, attorneys, physicians and surgeons and other practitioners, and by the court itself in decision making concerning injuries under the jurisdiction of the court.

Any party against whom the report may be used shall have the right, at the party's own initial expense, of cross examination of the physician or surgeon, vocational rehabilitation expert, or psychologist either by deposition or by arranging the appearance of the physician or surgeon, vocational rehabilitation expert, or psychologist at the hearing. Nothing in this rule shall prevent deposition or live testimony of the physician or surgeon, vocational rehabilitation expert, or psychologist. ~~Unless exceptional cause is shown and extremely unusual circumstances exist, all evidence shall be submitted at the time of hearing.~~

Unless exceptional cause is shown and extremely unusual circumstances exist, all evidence shall be submitted at the time of hearing. If the original of a deposition is not in the possession of a party who intends to offer it in evidence at a hearing, that party shall give notice to the party in possession of it that the deposition will be needed at the hearing. Upon receiving such notice, the party in possession of the deposition shall either make it available to the party who intends to offer it or produce it at the hearing.

B. Motions for Summary Judgment or other Motions for Judgment on the Pleadings. With respect to hearings on motions for summary judgment or other motions for judgment on the pleadings under NEB. REV. STAT. § 48-162.03, the proceedings shall be governed by ~~Neb. Rev. Stat. §§ 25-1330 et seq.~~ and Rule 3,E.

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RULE 12

APPEARANCE, WITHDRAWAL, AND SUBSTITUTION OF COUNSEL

A. Appearance of Counsel. An attorney who enters an appearance on behalf of a litigant shall be the attorney of record for that litigant. An attorney's signature on a

petition, ~~or answer, or other initial pleading,~~ shall constitute an entry of appearance unless the pleading was prepared in accordance with Rule 3,K. When applicable, attorneys shall file an entry of appearance with the court clerk. If an attorney initially appears at any proceeding and orally enters an appearance, they shall file an entry of appearance by the close of the next business day. An attorney appearing in place of the attorney of record due to unavailability need not file an entry of appearance. The signing of a pleading by an attorney on behalf of another attorney within the same firm or public office who is unavailable shall not constitute an entry of appearance.

B. **Withdrawal of Counsel.** Upon motion for withdrawal and notice to all counsel and the client involved, an attorney who has appeared of record in a case may be given leave to withdraw by order of the court, for good cause shown, after filing with the court clerk the motion, notice of hearing, and proof of service upon counsel and the client involved. If substitute counsel has entered an appearance or filed a pleading on behalf of the client involved, no hearing will be required. Within seven days after the order giving leave to withdraw is issued, the withdrawing attorney shall file a Notice to Withdraw as Counsel in the case and serve all opposing counsel and/or self-represented parties.

C. **Substitution of Counsel.** When there is a substitution of counsel within the same firm or public office, the new attorney shall file an entry of appearance which states a substitution of counsel is occurring. The entry of appearance shall include the new attorney's information as set forth in Rule 3,I and the name and Bar number of the attorney being replaced. A copy of the entry of appearance shall be served on ~~the adverse party's attorney of record or on the party if self-represented.~~ all opposing counsel and/or self-represented parties.

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RULE 14

EXHIBITS

A. **Marking and Numbering.** All exhibits shall be marked in numerical order, irrespective of the party producing them, show the date on which they were marked, and indicate the number of pages the exhibit contains. The sequential numbering of exhibits shall begin with the first trial, hearing, or deposition held in the case and continue until final disposition. The same number shall not be given to more than one exhibit in any case. Multiple-page exhibits shall be stapled and numbered sequentially by the parties, and organized in chronological order according to the time of occurrence, with the earliest dated material first and the most recent dated last. If the pages of an exhibit are not numbered, the court reporter or judge may number the pages in sequence.

B. Documentary Exhibits.

1. A documentary item of evidence offered in paper form to the court may remain in paper form and shall be easily readable. All Exhibits must be single-sided only.
2. All exhibits shall be marked and numbered as provided in Rule 14,A above. Additionally, the first page of each exhibit must include the total number of pages contained in each exhibit (for example, "Page 1 of 32").
3. Exhibits must also comply with Rule 2,C.
4. Court staff will not print exhibits for the parties including PDF documents saved to a portable drive (such as a flash drive).
5. A portable drive (such as a flash drive) containing PDF documents will not be accepted as a single exhibit or media exhibit. All documents to be offered as an exhibit must be printed.

C. Media Exhibits; File Formats; Physical volume of Media Exhibits on Appeal. Media exhibits include digital data files not readily convertible to PDF, digital audio files, digital video files, analog audio tapes, and analog video tapes.

1. A media exhibit offered in an original format to the court may remain in its original format. A media exhibit does not include documents in PDF format saved to a portable drive (such as a flash drive). All exhibits shall be marked and numbered as provided in Rule 14,A above.
2. Digital video exhibits shall be in a format compatible for viewing on standard editions of Windows Media Player and/or VLC Media Player. If any other type of video exhibit is presented to the court which cannot be viewed on Windows Media Player and/or VLC Media Player, the video exhibit shall be submitted with any necessary additional player application software that allows the exhibit to be easily viewed by the court. Video exhibits may be provided to the court on the following media storage devices: CD, DVD, or flash drive. The storage device shall contain only the exhibit(s) and any required player application software and no other files.
3. Digital audio exhibits shall be submitted to the court in a format capable of playback on standard editions of Windows Media Player and/or VLC Media Player. If any other type of audio recording is presented to the court which cannot be played back on Windows Media Player and/or VLC Media Player, the party submitting the audio recording shall provide at his or her own expense the appropriate player application software for playback. Audio exhibits may be provided to the court on the following media storage devices: CD, DVD, or flash drive. The storage device shall contain only the exhibit(s) and any required player application software and no other files.

4. Analog exhibits shall not be provided to the court. Analog exhibits shall be converted to an appropriate digital file format for viewing or playback as provided in Rule 14,C,2 or Rule 14,C,3 above at the expense of the party offering the exhibit.

5. In the event that the court is unable to play any media exhibit, the party offering the exhibit shall be responsible to provide any necessary support.

D. **Physical Exhibits.** Physical exhibits may be allowed. The term “physical evidence” means any nondocumentary items or any other physical item.

E. All exhibits must be submitted at the time of the hearing or other evidentiary proceeding consistent with Rule 10,A. In the event the attorney will not be physically present before the judge at any hearing or other evidentiary proceeding, all exhibits to be offered must be delivered to the court by mail or hand-delivery at least 24 hours in advance of such hearing or other evidentiary proceeding except by permission of the trial judge.

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RULE 21

COSTS FOR TRANSCRIPT OF PLEADINGS

The cost for the court to certify a Transcript of Pleadings in any case in which an appeal has been filed shall be one dollar (\$1.00).

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