NOTICE OF COMMENT PERIOD

Pursuant to a proposal submitted by the Nebraska State Bar Association, the Nebraska Supreme Court is considering amendments to Neb. Ct. R.§§ 6-1407, 6-1525, and 6-1704 regarding compensation for court-appointed attorneys. The Nebraska Supreme Court directed that the proposed amendments be published for a period of public comment.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to joshua.shasserre@nejudicial.gov, **with the rule section listed in the subject line**, no later than January 4, 2027.

The full text of the proposed amendments is available below, or a paper copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

CHAPTER 6: TRIAL COURTS

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Article 14: Uniform County Court Rules of Practice and Procedure.

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§ 6-1407. Application for fees.

Before the claim of any attorney appointed by the court is allowed in criminal and juvenile matters, such attorney shall file with the clerk, and serve upon the county attorney, a written application for fees, certified to be true and correct, stating an itemization (for interim application, a general itemization) of the services provided, time expended, and expenses incurred in the case. Such expenses shall include and shall not be excluded by local rule, reasonable and necessary mileage and travel time incurred by counsel in the performance of appointed duties, which shall be compensable. When a single trip benefits multiple court-appointed cases, mileage and travel time shall be apportioned among those cases on a reasonable basis. Equal apportionment shall be presumed reasonable unless counsel demonstrates that another allocation more accurately reflects the services provided.

Reasonable and necessary paralegal and administrative time may also be included in the application and shall be compensable at a rate established by local rule. Paralegal and administrative services shall be separately itemized and shall be limited to tasks that may appropriately be delegated by an attorney and that contribute to the representation of the client. Compensation for paralegal and administrative services is intended to promote the efficient delivery of legal services by allowing appropriate tasks to be performed by qualified support staff at a lower cost than attorney time.

Counsel shall also state in the application 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, shall disclose the same fully so that the proper credit may be taken on counsel's application. If a hearing is required, the time and date of hearing shall be set by the court and notice given by court order or notice of hearing.

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Article 15: Uniform District Court Rules of Practice and Procedure.

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§ 6-1525. Appointment of counsel in criminal cases; and application for fees by appointed counsel.

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(D) Before the claim of any attorney appointed by the court is allowed in criminal matters, such attorney shall file with the clerk, and serve upon the county attorney, a written application for fees, certified to be true and correct, stating an itemization of the services provided (for interim applications, a general itemization), time expended, and expenses incurred in the case. Such expenses shall include and shall not be excluded by local rule, reasonable and necessary mileage and travel time incurred by counsel in the performance of appointed duties, which shall be compensable. When a single trip benefits multiple court-appointed cases, mileage and travel time shall be apportioned among those cases on a reasonable basis. Equal apportionment shall be presumed reasonable unless counsel demonstrates that another allocation more accurately reflects the services provided.

Reasonable and necessary paralegal and administrative time may also be included in the application and shall be compensable at a rate established by local rule. Paralegal and administrative services shall be separately itemized and shall be limited to tasks that may appropriately be delegated by an attorney and that contribute to the representation of the client. Compensation for paralegal and administrative services is intended to promote the efficient delivery of legal services by allowing appropriate tasks to be performed by qualified support staff at a lower cost than attorney time.

Counsel shall also state in the application 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, shall disclose the same fully so that the proper credit may be taken on counsel's application. If a hearing is required, the time and date of hearing shall be set by the court and notice given by court order or notice of hearing.

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Article 17: Uniform Separate Juvenile Court Rules of Practice and Procedure.

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§ 6-1704. Appointment of counsel in juvenile cases.

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(D) Before the claim of any attorney appointed by the court is allowed in juvenile matters, such attorney shall make a written application for fees, certified to be true and correct, stating time and expenses in the case, and shall serve the same upon the county attorney. For interim applications, a general itemization of fees and expenses incurred shall be certified. Such expenses shall include and shall not be excluded by local rule, reasonable and necessary mileage and travel time incurred by counsel in the performance of appointed duties, which shall be compensable. When a single trip benefits multiple court-appointed cases, mileage and travel time shall be apportioned among those cases on a reasonable basis. Equal apportionment shall be presumed reasonable unless counsel demonstrates that another allocation more accurately reflects the services provided.

Reasonable and necessary paralegal and administrative time may also be included in the application and shall be compensable at a rate established by local rule. Paralegal and administrative services shall be separately itemized and shall be limited to tasks that may appropriately be delegated by an attorney and that contribute to the representation of the client. Compensation for paralegal and administrative services is intended to promote the efficient delivery of legal services by allowing appropriate tasks to be performed by qualified support staff at a lower cost than attorney time.

Counsel shall also state in the application that counsel has not received and has no contract for the payment of any compensation by such client, or anyone in the client's behalf, or, if counsel has received any fee or has a contract for the payment of same, shall disclose the same fully so that the proper credit may be taken on counsel's application. The application shall be filed with the clerk. If a hearing is required, the time and date of hearing shall be set by court order or notice of hearing.

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