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2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 IN THE ADMINISTRATIVE MATTER
6 REGARDING ALL COURT OPERATIONS IN
7 RESPONSE TO COVID-19.

Administrative Order: 21-04

8 On March 12, 2020, Governor Steve Sisolak issued a Declaration of Emergency in
9 response to the COVID-19 pandemic. The next day, March 13, 2020, the President of the United
10 States declared a nationwide emergency pursuant to §501(6) of the Robert T. Stanford Disaster
11 Relief and Emergency Assistance Act. 42 U.S.C. §§5121-5207.

12 After an initial reopening of businesses in 2020, on November 11, 2020, Governor Sisolak
13 announced an alarming increase in new COVID-19 cases in Nevada. The Governor requested all
14 individuals to stay in as much as possible, limit gatherings and wear face coverings at all times.
15 Clark County also issued a requirement for employees to wear face coverings at all times. On
16 February 15, 2021, Governor Sisolak increased the limit for gathering sizes based on the
17 decreasing COVID-19 numbers and the increased availability of vaccinations.

18 On April 27, 2021, the State of Nevada's COVID-19 Mitigation and Management Task
19 Force approved Clark County's Proposed Local Mitigation and Enforcement Plan effective May
20 1, 2021. The approved plan increased capacity restrictions for public gatherings to 80 percent
21 occupancy and reduced social distance requirements from six to three feet. On May 18, 2021, the
22 Clark County Board of Commissioners approved elimination of all capacity and social distancing
23 requirements effective June 1, 2021. Clark County also, with certain exceptions, approved the
24 elimination of mask requirements for those who are vaccinated.

25 The Nevada Constitution provides in Article 3 §1 that, "The powers of the Government of
26 the State of Nevada shall be divided into three separate departments, - the Legislative, - the
27 Executive and the Judicial; and no persons charged with the exercise of powers properly belonging
28 to one of these departments shall exercise any functions, appertaining to either of the others, except
in the cases expressly directed or permitted in this constitution." The Nevada Supreme Court has
also found that "In addition to the constitutionally expressed powers and functions of each

1 Department, each (the Legislative, the Executive, and the Judicial) possess inherent and incidental
2 powers that are properly termed ministerial. Ministerial functions are methods of implementation
3 to accomplish or put into effect the basic function of each Department.” Galloway v. Truesdell,
4 83 Nev. 13, 21, 422 P.2d 234, 237 (1967).

5 The judicial power is vested in the state Court system comprised of the Nevada Supreme
6 Court, the Nevada Court of Appeals, District Courts, Justice Courts and Municipal Courts. Nev.
7 Const. art. VI, §1. The Nevada Constitution expressly recognizes the Chief Justice as the
8 administrative head of the Court system. Nev. Const. art. VI §19. By expressly identifying the
9 Chief Justice as the Court system’s administrative leader, the Chief Justice has “inherent power to
10 take actions reasonably necessary to administer justice efficiently, fairly, and economically.”
11 Halverson v. Hardcastle, 123 Nev. 245, 260, 163 P.3d 428, 439 (2007). Consequently, the Nevada
12 Supreme Court, “through the Chief Justice, has the ultimately authority over the judiciary’s
13 inherent administrative functions.” Id. at 260, 163 P.3d at 439.

14 Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court charges the
15 Chief Judge of the Eighth Judicial District Court with various responsibilities, including
16 supervising the administrative business of the District Court, ensuring the quality and continuity
17 of Court services, supervising the Court calendar, reassigning cases as convenience or necessity
18 requires, assuring the Court’s duties are timely and orderly performed, and otherwise facilitating
19 the business of the District Court.

20 During the COVID-19 pandemic, the District Court, in consultation with the Nevada
21 Supreme Court, concurred with the Governor and exercised its ministerial judicial powers. On an
22 emergency basis, the District Court entered Administrative Orders 20-01 through 20-14; 20-16;
23 20-17; 20-22 through 20-24; 21-01; and 21-03. These Orders changed Court procedures to
24 minimize person-to-person contact and mitigate the risk associated with the COVID-19 pandemic,
25 while continuing to provide essential Court services.

26 This order continues the District Court’s response to the COVID-19 pandemic. For
27 purposes of clarity and to avoid confusion, this order supersedes AO 20-01 through 20-13, 20-16,
28 20-17, 20-22, 20-23, 20-24, and 21-03. Any portions of those orders that remain in effect are
included in this order. AO 20-14 (the process for electronic processing of search warrants) remains
in effect. Except where otherwise noted, this order takes effect upon filing.

1 **SAFETY AND PRECAUTIONS**

2 Consistent Nevada OSHA’s Updated Guidance, effective May 14, 2021, the following
3 work place safety protocols shall be incorporated to the maximum extent practicable:

- 4 a. Employers should encourage employees to receive a COVID-19 vaccine.
- 5 b. Organizations may have mask polices that are more restrictive than the CDC
6 guidance.
- 7 c. All employers must provide face coverings for unvaccinated employees and shall
8 require these employees to wear face coverings in all instances where required by
9 emergency directives, including any space visited by the general public, even if no
10 one else is present.
- 11 d. Close or limit access to common areas where employees are likely to congregate
12 and interact. When in common areas, face coverings* are required for unvaccinated
13 employees.
- 14 e. Maintain regular housekeeping practices, including routine cleaning and
15 disinfecting of surfaces and equipment
- 16 f. Conduct daily surveys of changes to staff/labor health conditions.
- 17 g. Post signage with the latest CDC mask guidance for vaccinated and unvaccinated
18 guests.

19 The District Court is committed to providing a safe and healthy workplace for all our
20 employees and the public we serve. To mitigate the spread of COVID-19, we will need to continue
21 to operate in a manner that reduces the risks associated with this public health emergency.
22 Consequently, the following precautions are ordered:

23 **Screening Protocols**

24 During this time, it remains critical to prevent the spread of illness among members of the
25 Court, counsel, staff, the public, and our community partners. The Centers for Disease Control
26 has advised people to take precautions to stay healthy and that the best way to prevent illness is to
27 avoid exposure. As a result, District Court Administration shall maintain notices at the entrance
28 of all District Court facilities advising the following people may not enter the Court facility:

- 29 (1) Persons not fully vaccinated who are not wearing a mask;
- 30 (2) Persons who are ill or experiencing unexplained fever, cough, or shortness of breath.

31 Anyone attempting to enter in violation of these protocols or refusing to comply with the
32 protocols will be denied entry by District Court Marshals.

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1 **Appearances by Alternative Means**

2 To ensure access to justice, minimize foot traffic in court facilities, and to reduce the
3 potential for spread of infection, appearances by alternative means remains preferred in all case
4 types with the exceptions of bench trials, jury trials, and in-custody defendants appearing in the
5 Lower Level Arraignment Courtroom. For trials, District Court Judges should, to the extent
6 possible, accommodate requests to appear by alternative means for any attorney, party or witness
7 who is considered a vulnerable person under current CDC guidelines. This includes persons who
8 are over 65, pregnant, or suffering from an underlying health condition. For proceedings other than
9 trials, no in-person appearance shall be made unless the assigned District Court Judge or Hearing
10 Master determines that the particular circumstances of the case require a personal appearance.

11 The District Court has four methods of appearance by alternative means: videoconference
12 through BlueJeans, telephone conference through BlueJeans, regular telephone, and CourtCall.
13 Since CourtCall involves a cost to the litigants, no party may be required to use CourtCall at this
14 time. Use of BlueJeans is strongly favored given the number of people the system can
15 accommodate and its compatibility with the JAVS system. Video appearance is strongly preferred
16 over other methods of appearance by alternative means, and required in criminal, dependency, and
17 delinquency cases unless a video appearance is prevented by technological issues. Lawyers are
18 urged to provide assistance to clients who lack the independent ability to appear by alternative
19 means.

20 Attorneys, parties, and witnesses are reminded that alternative means still constitutes a
21 court appearance and attire should remain professional and court appropriate. Appearances should
22 be made from a quiet place free of distractions. Also, for the safety of the community and for the
23 quality of the audio recording, no appearances by alternative means should be made while driving.

24 The requirement for a formal written notice of any appearance by alternative means
25 remains suspended. Arrangements for alternative appearances may be made via e-mail to the
26 department JEA. E-mails about scheduling appearances should not be sent to the department
27 inboxes.

28 Nevada Supreme Court Rules Part IX expressly excludes juvenile proceedings from the
rules governing appearances by telephonic and audiovisual transmission. This rule is suspended
due to the COVID-19 pandemic. Attorneys, probation officers, social workers, parents, guardians,

1 and any other necessary parties to a juvenile proceeding are strongly encouraged to appear by
2 alternative means.

3 For convenience of the attorneys and litigants, each department is to set up a permanent
4 BlueJeans link for court appearances. Hearing may be held in that session or in breakout sessions
5 as determined by the department. All closed hearings should be held in breakout rooms for security
6 purposes.

7 For civil and domestic cases, if the judge intends to hold a hearing before deciding a matter,
8 the judicial department will contact attorneys or self-represented litigants two judicial days before
9 the hearing to determine which method of appearance the party intends to use and gather the
10 appropriate contact information to arrange for the appearance by alternative means.

11 For probate cases, attorneys appearing by alternative means or having clients appear by
12 alternative means must notify the departments via e-mail two judicial days before the appearance.
13 The e-mail to the department must include the case number for the proceeding and the names and
14 e-mail addresses for each person appearing by video. This will allow the department to send a link
15 to appear via video. If arrangements need to be made on shorter notice due to an emergency, the
16 judicial department must be contacted by phone.

17 For criminal cases, juvenile dependency cases, and juvenile delinquency cases all
18 appearances by alternative means for attorneys and out-of-custody defendant must be through
19 BlueJeans video unless technology problems make a phone conference necessary. Attorneys
20 appearing by video or having clients/witnesses/agency representatives/probation officers appear
21 by alternative means must notify the department via e-mail at least one judicial day before the
22 appearance. In juvenile cases, parents or guardians may provide their e-mail addresses to the
23 juvenile's attorney to arrange for the appearance. The e-mail to the department must include the
24 case number for the proceeding and the names and e-mail addresses for each person appearing by
25 video. This will allow the department to send a link to appear via video. If arrangements need
26 to be made on shorter notice due to an emergency, the judicial department must be contacted by
27 phone.

28 Media reporters may request to attend any public court proceeding by alternative means
for the purpose of observing the proceedings. Any reporter requesting an appearance in this manner
must contact the department for a BlueJeans video link. Reporters appearing by alternative means

1 must remain on mute and are not permitted to interject or speak during any proceeding. A reporter
2 violating this rule will lose the ability to appear by alternative means.

3
4 **Mandatory Face Coverings for Those Who are Unvaccinated, in Courtrooms, in Jury**
5 **Assembly and Other Designated Areas**

6
7 For the health and safety of all, members of the public who are not fully vaccinated must
8 wear face coverings that cover their noses and mouths. “Fully vaccinated” means two weeks after
9 completion of the vaccination process. Face coverings must be worn at all times while in any
10 Court facility and while in any security screening line to enter a Court facility. “Court facilities”
11 include the Regional Justice Center, the Family Court building, District Court courtrooms and
12 office space on the tenth and eleventh floors of the Phoenix building, District Court courtrooms
13 and office space in the Greystone building and District Court office space in the Clark Place
14 building.

15 All District Court judges and employees who are not fully vaccinated must cover their
16 noses and mouths with face coverings while at work unless they are alone in unshared work space.
17 This includes all common areas of any facility as well as parking lots, back hallways, employee-
18 only elevators, shared restrooms and break rooms. Judges and employees who are fully vaccinated
19 are still encouraged to wear face coverings while at work, but may choose not to do so outside of
20 the courtroom or other designated mask-required areas.

21 All attorneys, vendors, and employees of any organization or entity who work in a Court
22 facility who are not fully vaccinated must cover their noses and mouths with face coverings while
23 in any common areas of the facilities. Common areas include, but are not limited to, security
24 screening, lobby areas, public elevators, employee elevators, shared back hallways, public
25 restrooms and courtrooms. This includes, but is not limited to, employees of Las Vegas Justice
26 Court, Legal Aid Self-Help Centers, Clark County Clerk's Main Office, Clark County District
27 Attorney's Office, Clark County Public Defender's Office, Clark County Department of Juvenile
28 Justice Services, Clark County Department of Family Services, and contract counsel. Employees
of other organizations or entities with space in Court facilities are subject to the policies of their
individual employer while in their own organization's work space.

1 Those who are fully vaccinated are still encouraged to wear face coverings while in court
2 facilities, but may choose not to do so outside of the courtroom or other designated mask-required
3 areas.

4 Face covering requirements for those who are vaccinated have been eliminated by Clark
5 County with some exceptions, including public transportation and detention facilities. The Court
6 recognizes that, unlike most other facilities, attendance at court proceedings is often compelled
7 and people are frequently required to remain in enclosed courtrooms for extended period of time
8 (in excess of fifteen minutes). As a result, regardless of vaccination status, face coverings will be
9 required in courtrooms, jury assembly rooms, and other designated enclosed spaces where
10 members of the public congregate for extended periods of time.. These requirements will remain
11 in place until the CDC lifts mask requirements for unvaccinated people.

12 Children under the age of two and individuals who are unable to remove the face covering
13 without assistance do not have to comply with the above-referenced face covering directives.
14 Individuals who are unable to wear a face covering should make arrangements to appear by
15 alternative means.

16 Face coverings must cover the nose and mouth at all times. Face coverings with vents,
17 bandanas, or face coverings made out of mesh are not permitted. Face shields may be worn with a
18 mask as added protection, but may not be worn alone.

19 **Meetings**

20 Meeting by telephone, teleconference, videoconference or e-mail remain preferred. This
21 includes judges meetings; executive committee meetings; division judges meetings; bench-bar
22 meetings; any meetings with community partners; specialty Court staffing; specialty Court
23 graduations; administrative department meetings; continuing education meetings; meetings of
24 judges, hearing masters and/or staff within a particular case assignment. Meeting organizers of
25 in-person meetings should consider also providing a virtual option to encourage access for those
26 who may be unable to attending meetings. Those attending in-person meetings must follow mask
27 requirements provided in this order.

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1 District Court Family Division
2 Attn: Clerk's Office
3 Family Court
4 601 N. Pecos Rd.
5 Las Vegas, NV 89155

6 Original wills may be lodged with the Clerk. The Clerk's Office shall maintain a safety
7 protocol for clerks tasked with opening mail and handling paper documents.

8 **Continuances**

9 The continuance of any trial or evidentiary hearing will be considered on a case-by-case
10 basis. Attorneys may have difficulty obtaining witnesses or being prepared for evidentiary
11 proceedings in the period immediately following the duration of the administrative orders relating
12 to COVID-19. Continuances should only be granted upon a showing of good cause to allow time
13 for preparation or to obtain witnesses. Judges will need to examine the merits of any application
14 for a continuance, balancing the consequences of a delay in the proceedings, the need to handle
15 the current backlog of cases, and the constraints placed on attorneys and litigants to prepare for a
16 trial or evidentiary hearing.

17 **Courtesy Copies**

18 No paper courtesy copies of any documents filed in Odyssey may be sent to the Court for
19 any case type. Judges are strongly discouraged from requesting e-mailed courtesy copies from
20 parties due to the burden it places on the system as a result of additional storage required. District
21 Court IT has created a Secure File Transfer Protocol for each department so that departments may
22 obtain electronic courtesy copies of larger documents. To reduce the potential spread of infection
23 through paper and to reduce Court operating costs, judges are strongly discouraged from having
24 documents printed from Odyssey to read.

25 Counsel should contact the Court Clerk for handling of documents that cannot be converted
26 to electronic format.

27 **Depositions**

28 In-person depositions may go forward although counsel should be sensitive to any health
issue and proceed by alternative means when appropriate. During the period this order is in effect
the Court interprets NRCP 28(a)(1) and NRCP 30 to allow the deposition officer to be in a separate
location from the deponent. See SCR Part IX-B(A) and (B) Rule 9.

1 Attorneys must cooperate in the scheduling of witnesses, in handling depositions by
2 alternative means when any participant is part of a vulnerable population, and in continuing
3 depositions when needed because of COVID-19 issues.

4 **Discovery (Civil and Domestic)**

5 All discovery hearings in both the civil and domestic case types shall continue to be
6 conducted by alternative means.

7 The tolling of discovery deadlines ended on July 1, 2020. This includes deposition by
8 written questions, interrogatories, production of documents, entering onto land for inspection
9 purposes and requests for admissions. The Court acknowledges that discovery may still be
10 impeded by COVID-19 related issues and it may be difficult to obtain certain items such as medical
11 records. Judges are encouraged to grant requests to continue discovery under these circumstances.

12 As of July 1, 2020, Rule 35 examinations may be scheduled as medical providers are
13 available. Parties may agree to schedule the Rule 35 exam sooner. Parties may also file a motion
14 with the Discovery Commissioner demonstrating good cause to proceed forward with a Rule 35
15 examination. Good cause includes an emergency such as imminent destruction or loss of evidence.
16 The motion shall also include protocols for ensuring the safety of the examiner and an affidavit
17 from the medical provider indicating that the provider is able to conduct the examination following
18 those protocols. Any issues with scheduling or health concerns of the party to be examined should
19 be addressed with the Discovery Commissioner.

20 Discovery motions may be resolved on the papers by way of a written recommendation
21 issued by the Discovery Commissioner. If the Commissioner determines oral argument is needed,
22 the hearing will be held by alternative means unless the Commissioner determines a personal
23 appearance is necessary.

24 **Electronic Service**

25 All lawyers and self-represented litigants are required to register for electronic service and
26 update any change of e-mail address with the Court. In the limited circumstance where a self-
27 represented litigant does not have an e-mail address, the Court Clerk's Office is directed to assist
28 the self-represented litigant in creating an e-mail address.

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1 **Hearings**

2 At this time, hearings of all sorts in all case types should go forward. Except as provided
3 in this order, all District Court non-evidentiary hearings should be conducted by video or
4 telephonic means or decided on the papers unless otherwise directed by a District Court Judge.

5 Evidentiary hearings should go forward. Appearances by witnesses, parties, and lawyers
6 by alternative means are encouraged unless the District Court Judge finds that a personal
7 appearance by an individual is necessary to the proceeding. To the extent possible, exhibits should
8 be produced, displayed, and admitted in an electronic format.

9 **Original Signature Requirements**

10 With the exception of documents requiring the signature of a notary, an electronic signature
11 will be considered an original signature. All documents filed with the Court may be electronically
12 signed as provided in the Nevada Electronic Filing and Conversion Rules, Rule 11(a). All
13 documents requiring a signature of another person may be electronically signed; however, the
14 party submitting the document must obtain e-mail verification of the other person's agreement to
15 sign electronically. That verification must be embedded in the document or attached as the last
16 page of the document.

17 Filers are reminded that NRCP Rule 11 provides sanctions for filing with improper
18 purpose, which would include a misrepresentation of a signature. Additionally, other civil or
19 criminal penalties could apply for misrepresenting or fraudulently signing a document.

20 **Proposed Orders**

21 All proposed orders, requests for orders shortening time, stipulation and orders, or any
22 other document submitted to a judge for signature shall be submitted to the appropriate department
23 electronically and signed electronically by the judge. A department inbox list is attached to this
24 order. DEPARTMENT INBOXES ARE TO BE USED ONLY FOR SUBMITTING
25 DOCUMENTS FOR THE JUDGE'S SIGNATURE. NO OTHER E-MAILS MAY BE SENT TO
26 DEPARTMENT INBOXES.

27 Proposed orders sent to a department's inbox should include only a blank line for the
28 judge's signature, e.g. _____. Signature lines should not include a date,
judge's name, or judge's title. Sufficient space should be allowed above and below the signature
line for the judge's signature and the electronic stamp including date, title, and name of the judge.

1 Documents must be submitted as a PDF document. If a judge has significant revisions, the
2 department will request a Microsoft Word version of the order from the submitting party for editing
3 purposes. The Court notes that both WordPerfect and Pages allow documents to be saved in a
4 Word format.

5 The e-mail subject line must identify the full case number, the filing event code, and the
6 name of the case. The information must be in that order for the Court's automated filing system
7 to work properly. This naming convention looks like: A-20-1234560-C - ORDR - Smith v. Doe

8 Documents not properly submitted may be returned.

9 NO ADDITIONAL ARGUMENT OR DISCUSSION SHOULD BE INCLUDED IN THE
10 E-MAIL.

11 After reviewing submitted documents, the judge will electronically sign and file the order
12 into the Odyssey system. The Court will not print or retain paper copies of the orders.

13 All documents submitted will be filed by the department and served to all parties registered
14 for electronic service. Parties are responsible for filing the Notice of Entry of Order as well as
15 serving orders by mail to any party who is not registered for electronic service.

16 For any self-represented litigant who is unable to submit an order by e-mail, the Court shall
17 prepare and file the order.

18 To ensure the integrity of electronically signed and filed orders, the Clerk's Office will
19 reject orders submitted for filing from outside of the Court.

20 **Rule 16.1 (Civil), 16.2 (Domestic), and 16.205 (Custody) Early Case Conferences**

21 Rule 16.1, 16.2, and 16.205 conferences should proceed. To the extent possible, all initial
22 disclosures, supplements and other written discovery should be exchanged through electronic
23 means. If a conference cannot proceed because of issues related to COVID-19, an appropriate
24 motion should be filed with the assigned District Court Judge.

25 Requests to continue deadlines should be filed with the assigned District Court Judge.

26 **Settlement Conferences (Civil, Criminal and Family Divisions)**

27 In order to assist with the backlog of trials, judicial settlement conferences are highly
28 encouraged. In all divisions, settlement briefs and supporting exhibits must be submitted
electronically. Settlement conferences may be held by alternative means. For in-person

1 conferences, participants who are not fully vaccinated must wear face coverings that cover their
2 noses and mouths at all times during the settlement conference.

3 In the Family Division, there are three possibilities for judicial settlement conferences: (1)
4 the Senior Judge Settlement Conference Program; (2) the Family Division Settlement Conference
5 Program; and (3) Senior Settlement Conferences. Settlement conferences should be requested
6 through the assigned department.

7 In the Civil Division, judicial settlement conference may be set through the Civil
8 Settlement Conference Program by contacting Department 30. Counsel may also contact
9 individual judges to request settlement conferences or reach out to the assigned departments to
10 submit a request for a senior judge to conduct a settlement conference. Attorneys and litigants may
11 not schedule settlement conferences directly with the senior judge program.

12 In the Criminal Division, requests for settlement conferences should be submitted via e-
13 mail on the settlement conference form to the Chief Judge. Settlement conferences may be
14 requested for cases where the defendant is in-custody or out-of-custody. The form must be filled
15 out completely or the conference will not be set. In-custody criminal settlement conferences will
16 be scheduled to take place in the Lower Level Arraignment courtroom only. Priority will be given
17 to trials where the defendant is in-custody and has invoked speedy trial rights and to older homicide
18 cases.

19 **Specialty Courts (All Divisions)**

20 All status hearings should go forward by alternative means unless a judge or hearing master
21 determines that circumstances warrant a personal appearance. No jail sanctions will be imposed
22 by any specialty court program for non-compliance. This does not prevent arrest of a participant
23 who is on probation for a probation violation. This also does not preclude a participant from being
24 placed on electronic monitoring; however, no Specialty Court participant may be placed on CCDC
25 house arrest with the exception of felony DUI participants in the first six months of the program
26 who lack the current ability to self-pay.

27 The Court will work with the treatment providers to continue to provide treatment while
28 balancing the safety of the participants and treatment provider staff.

1 **Sealed Documents**

2 If a party is requesting a document be sealed, the party must file a motion to file the
3 document under seal. The party should separately file the document to be sealed, using the code
4 TSPCA (Temporarily Sealed Pending Court Approval). The judge will review the motion and
5 determine whether the document should be filed under seal. Failure to properly submit a motion
6 to seal the documents, failure to submit the document separately, or failure to use the proper
7 document code may result in the public electronic filing of the temporarily sealed document.

8 **Service of Process**

9 The Court recognizes that accomplishing personal service may continue to pose significant
10 challenges at this time given that many businesses are closed or operating on a limited capacity.
11 Properly documented service issues related to the COVID-19 pandemic will be considered good
12 cause for a timely motion to extend service of process. For service issues between March 13, 2020
13 and June 30, 2020, good cause exists regardless of whether the motion is made before or after the
14 120-day service period. Effective July 1, 2020, motions to extend service of process must be filed
15 prior to the expiration of the time to serve.

16 **Summonses and Certified Copies**

17 Summonses and certified copies shall be issued by the Court Clerk's Office. A lawyer or
18 party seeking to have the Clerk of Court issue a summons under NRCP 4(b) shall e-file the
19 summons. The filing code "SEI" must be used for the proper processing of the summons. The
20 Clerk will issue the summons electronically. All certified copies will be issued electronically.

21 **Trials**

22 Bench trials in all case types should go forward in person. District Court Judges should,
23 to the extent possible, accommodate requests to appear by alternative means for any attorney, party
24 or witness who is considered a vulnerable person under current CDC guidelines or to appear by
25 alternative means for any other reason deemed appropriate by the court. During bench trials, all
26 participants in the trial, including the judge and court staff, must wear face coverings at all times.

27 If possible, trial exhibits should be produced, displayed, and admitted in an electronic
28 format. If the use of electronic exhibits is not possible, exhibits should be submitted to the assigned
judicial department at the direction of the Judge.

1 The District Court will continue to follow the update COVID-19 Jury Trial Plan for safely
2 conducting jury trials. The Jury Commissioner is to include health and safety information in the
3 jury summons, including mask requirements. Until June 7, 2021, District Court jury selection will
4 take place in the Jury Services Room or an alternate location designated by the court that allows
5 for sufficient social distancing of the jurors. After June 7, 2021, jury selection will take place in
6 individual courtrooms following all necessary protocols.

7 Effective the week of June 14, 2021, the individual District Courts will prioritize their own
8 criminal trials, beginning with criminal cases involving interstate compact issues and criminal
9 cases in which a defendant is in custody and has invoked speedy trial rights. District Court Judge
10 will handle calendar calls for criminal cases no later than Tuesday the week before trial.

11 All cases set for trial by the department will then be set for a Central Calendar Call calendar
12 the Wednesday prior to trial at 1:30 p.m. At that time, each case will receive a start date and time
13 on either Monday or Tuesday.

14 Beginning with the June 28, 2021 stack, the individual District Courts will prioritize their
15 own civil trials, beginning with NRCP 41(e) timeline concern; cases with statutory preferences;
16 cases with preferential trial settings and then by case age. District Court Judges handling civil
17 matters will handle calendar calls for civil cases no later than ten days prior to the beginning of the
18 stack. Organization of the civil panels requires all civil-criminal departments to be on consistent
19 5-week stacks, with the next stack beginning June 28.

20 Ten days prior to the beginning of the stack, each judge will provide the Chief Judge and
21 the Civil Presiding Judge a list of cases going to trial, the start date for each case and the number
22 of days anticipated for jury selection. Each case will then be assigned a day and time to receive a
23 jury panel for jury selection. Jury selection for civil cases will begin on the Wednesday or
24 Thursday prior to the start date for the trial.

25 For civil trials set the weeks of June 14 and June 18, 2021, by June 1, 2021 the District
26 Court Judges must provide the Chief Judge and the Civil Presiding Judge with a list of the cases,
27 start date and days for jury selection so jury panels can be organized for those cases.

28 Overflow calendars will not be resumed until the court resumes normal trial operations;
cases, however, may be reassigned as necessary to ensure that trials are completed.

1 In order to address the current backlog of cases, judge handling trials are expected to
2 provide full trial days for jury trials. Judges handling criminal assignments will necessarily require
3 coverage of criminal calendars. Judges handling civil assignments may request/arrange coverage.
4 The Chief and presiding judges will assist in coordinating calendar coverage if needed. Senior
5 judge assistance may be requested for covering calendars.

6 Panels for other courts in Clark County will be summonsed provided that the court
7 requesting the panel creates a safety plan for the juries. Key points of the plan will be included
8 with the jury summons.

9 This order shall continue to stay trial in civil cases for purposes of tolling NRCP 41(e) until
10 July 1, 2021, except where a District Court Judge makes findings to lift the stay in a specific case
11 to allow the case to be tried.

12 The time period of any continuance entered as a result of this order shall be excluded for
13 the purposes of calculating speedy trial under NRS 178.556(1) and NRS 174.511 as the Court finds
14 that the ends of justice served by taking this action outweigh the interests of the parties and public
15 in a speedy trial.

16 **Writs of Execution and Writs of Garnishment**

17 Writs of execution and garnishment were previously stayed by Governor's Directive 017
18 §1-2. The stay was lifted in Governor's Directive 026.

19 **CIVIL MATTERS**

20 **Alternative Dispute Resolution**

21 All matters in the Court Annexed Arbitration Program, Court Annexed Mediation Program,
22 and Nevada Foreclosure Mediation Program should proceed. These matters may be conducted by
23 video or telephonic means when possible. If a personal meeting is necessary, CDC and Clark
24 County guidelines should be followed.

25 For any cases assigned to the Court Annexed Arbitration program, none of the time
26 between March 17, 2020 and June 1, 2020 shall count toward the one year deadline to hold any
27 arbitration hearing pursuant to NAR 12(B). Additional requests to toll time should be addressed
28 to the assigned District Court Judge on a case-by-case basis.

1 **Extension of Time Deadlines**

2 Pursuant to NRCP 6(b), the Court recognizes the COVID-19 emergency as constituting
3 “good cause” and “excusable neglect” warranting the extension of time in non-essential civil case
4 types. This provision expired July 1, 2020. This does not apply to time deadlines that must not
5 be extended under NRCP 6(b)(2) (motions under NRCP 50(b), 52(b), 59, and 60 and motions made
6 after NRCP 54(d)(2) time has expired).

7 **Evictions and Foreclosures**

8 Stays of residential and small business evictions and judicial foreclosures are not addressed
9 by this order. Any change or termination of federal or local directives relating to evictions and
10 foreclosures depend on the entity issuing the directive.

11 **Response Time for Offers of Judgment**

12 The tolling of time to respond to offers of judgment submitted pursuant to NRCP 68 ended
13 July 1, 2020. After the tolling, parties had until July 10, 2020 to respond to any pending offer of
14 judgment.

15 **Rule 16 Conferences**

16 Rule 16 conferences must be conducted by alternative means. The District Court Judges
17 should continue to comply with the deadlines set in NRCP 16(b)(2) but should be mindful that
18 attorneys and parties may face difficulties conducting discovery, obtaining discovery responses
19 and communicating with their clients. These potential difficulties should be addressed and taken
20 into consideration when issuing NRCP 16 scheduling orders.

21 **Subpoenas**

22 Attorneys no longer require advance approval from the discovery commissioner to issue
23 subpoenas under NRCP 45. The subpoena provisions found in AO 20-17 were lifted by AO 20-
24 22. Attorneys are reminded to notice and provide a copy of the subpoena to the other parties before
25 service under NRCP 45(a)(4)(A). The District Court expects continued cooperation from attorneys
26 when there are difficulties in obtaining documents due to issues arising from COVID-19.

27 **Short Trial Program**

28 The Short Trial Program will proceed. Short Trial Judge and Participants must comply
with the Eighth Judicial District Court’s Jury Trial Plan. Short bench trials may proceed,

1 preferably using alternative means to the extent possible. Due to overtime restraints, short trials
2 must conclude by 5:00 p.m.

4 **CRIMINAL MATTERS**

5 All criminal matters should proceed. Criminal law and motion hearing times will continue
6 as designated by the Chief Judge. Each judge will have a time to hear in-custody matters and a
7 separate time for out-of-custody matters. Judges are encouraged to limit status checks or request
8 status updates in writing and to consider ruling on the papers for motions that do not require oral
9 argument.

9 **Certified Copies**

10 Certified copies of prior felony convictions for the purpose of a habitual criminal
11 determination shall be electronically filed in Odyssey prior to sentencing. The filing should be
12 captioned "Certified Copies of Prior Felony Convictions." If the certification seal is on the back
13 of a page, the page should be copied and attached to the last page of the Judgment of Conviction.

14 **Grand Jury**

15 The three currently existing grand juries will continue to hear cases. The Court will replace
16 the existing grand juries, beginning with the longest-serving grand jury in order to return to an
17 annual rotation.

18 Any Grand Jurors who are unable to continue service to the Grand Jury due to COVID-19
19 related health or employment issues will be excused on a case-by-case basis and replaced with
20 alternates.

21 All Grand Juries will meet in the Grand Jury room, which has been marked to provide for
22 social distancing of grand jurors, witnesses, court reporter, and attorneys. All Grand Jurors,
23 witnesses, attorneys, and the court reporter will be required to wear face coverings covering their
24 nose and mouth while in the RJC and throughout the grand jury proceedings. No food or beverages
25 will be permitted in the Grand Jury room during presentments.

26 Nevada Revised Statute 172.138 provided for the use of audiovisual technology to present
27 live testimony at grand jury proceedings "if good cause otherwise exists." The statute requires
28 that the technology ensures that the witness may be "clearly heard and seen" and "examined." The

1 Nevada Supreme Court has also provided for use of audiovisual equipment in criminal proceedings
2 in Supreme Court Rules Part IX-A(B).

3 During the current COVID-19 pandemic, good cause exists to allow witnesses to appear
4 before the grand jury via audiovisual technology. In order for a witness to appear by alternative
5 means, the State must notify the Chief Judge's department two judicial days prior to the
6 proceeding. The State will provide the time of the witness's testimony and the name, telephone
7 number and e-mail address of the witness to allow a BlueJeans link to be sent to the witness.
8 District Court IT will assist with any issues with the audiovisual equipment on the Court side, but
9 is not responsible for issues on the witness's side.

10 Grand jury returns will be conducted by alternative means to prevent the Grand Jury
11 Forepersons from having to re-enter the Regional Justice Center.

12 **Guilty Pleas**

13 When the defendant is unable to provide a signed copy of the guilty plea due to appearance
14 by alternative means, the guilty plea shall be signed by counsel in the following manner: "Signature
15 affixed by (insert name of defense counsel) at the direction of (insert name of defendant)" The
16 judge shall make a record that because of COVID-19 precautions that the defendant was unable to
17 physically sign the guilty plea agreement. The defendant shall be canvassed by the judge taking
18 the plea as follows:

19 On page ___ of the plea agreement your attorney has signed your name with a
20 notation that they signed it at your direction. Is that correct?

21 Did you agree for your attorney to sign in place of your actual signature?

22 Did you knowingly, willingly and voluntarily direct your attorney to sign the
23 agreement on your behalf?

24 Before directing your attorney to sign for you, did you read the guilty plea
25 agreement and talk to your attorney about the terms of the guilty plea agreement?

26 Did you discuss that your attorney signing your name at your direction will be
27 treated the same as if you actually signed the plea agreement?

28 Do you agree to have the signature placed on the agreement by your attorney to
be treated the same as if you signed the plea agreement?

1 **In-Custody Appearances**

2 All in-custody defendants will appear by video to the assigned judicial departments for law
3 and motion calendars. Arraignments, competency, and in-custody specialty court matters will
4 continue to be heard in the lower-level arraignment Courtroom. Except for jury trials, no defendant
5 will be transported to a District Court courtroom absent extraordinary circumstances. Due to
6 limited access to alternative appearances, evidentiary hearings or lengthy sentencings for in-
7 custody defendants should be coordinated through the Chief Judge’s office. Also, no defendant
8 who is in isolation pursuant to Detention Services protocol will be brought for any court
9 appearance.

10 Defense attorneys will have limited ability to discuss matters with their clients during Court
11 appearances. Attorney-client conversations will be facilitated if needed; however, attorneys are
12 cautioned that it will be absolutely necessary for clients to be prepared in advance of court.

12 **Out-of-Custody Appearances**

13 Due to the limited capacity of the Regional Justice Center at this time, out-of-custody
14 defendants must appear by alternative means whenever possible, including for entry of plea, status
15 checks, motions, and sentencing where the negotiation contemplates probation. Out-of-custody
16 defendants shall appear in person for probation revocation hearings where jail time or revocation
17 is being sought, sentencings where the negotiation contemplates a prison or jail sentence, trials,
18 and for any matter where the judge makes an individual determination that the defendant’s
19 presence is necessary for the determination of the matter.

20 Lawyers representing indigent defendants are urged to provide assistance to defendants
21 who do not have the independent ability to appear by alternative means.

22 All attorneys are encouraged to appear by alternative means. Video appearance is required
23 in criminal matters unless prevented by technological issues. In order to appear by alternative
24 means in a criminal matter, attorneys must e-mail the department at least one judicial day in
25 advance of the Court appearance and provide the e-mail the attorney intends to use to appear. In
26 case of an emergency that does not allow for one day’s notice, attorneys should contact the
27 department.
28

1 **DOMESTIC MATTERS**

2 **Confidential Reports**

3 Notwithstanding the provisions of EDCR 5.203, confidential reports (including custody
4 evaluations, child interviews, brief focus assessments, drug test results, and paternity test results)
5 shall be transmitted electronically to retained counsel, subject to the limitations imposed on
6 counsel pursuant to EDCR 5.301 and EDCR 5.304. For self-represented litigants, civil-domestic
7 departments may convey the information contained in the foregoing confidential reports by
8 telephone. The transmittal of this information by telephone shall include, where reasonably
9 practical, the reading of the information to the self-represented litigant. If unusual circumstances
10 exist, the Judge may have the self-represented litigant make a personal appearance to review the
11 report.

11 **Motions**

12 The Court may deny a motion at any time. The Court may grant all or any part of a motion
13 after an opposition has been filed or 21 days after service of the motion if no opposition was
14 filed. The Court may issue other written orders relating to the motion.

15 Motions related to emergency legal and physical custody issues should receive priority
16 with respect to the scheduling of a hearing on an appropriate order shortening time.

17 **GUARDIANSHIP**

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19 All guardianship matters will proceed, including compliance hearings. Given the
20 vulnerability of the guardianship populations, all proposed protected persons and protected persons
21 must appear by alternative means.

22 **JUVENILE DEPENDENCY CASES**

23
24 All juvenile dependency matters should proceed. Appearances by alternative means for
25 lawyers, DFS workers, and others are strongly encouraged when possible.
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1 **Adjudicatory Hearings**

2 When possible, pleas should be handled by alternative means. Pleas may be negotiated by
3 the parties and electronically filed with the Court. If the Court accepts the electronically filed plea,
4 a disposition hearing will be set within 15 business days.

5 Disposition hearings held pursuant to NRS 432B.540 and NRS 432B.550 may be heard by
6 alternative means. Reports must be filed with the Court in advance to help narrow the focus of
7 any hearing. Attorneys for the parents, the children and any CASA may file a report to supplement
8 the DFS recommendations for disposition, placement, and services to further assist in narrowing
9 the scope of the hearing.

10 All semi-annual reviews held pursuant to NRS 432B.580 may be decided on reports
11 submitted to the Court by DFS. Annual reviews held pursuant to NRS 432B.580 and NRS
12 432B.590 may be heard by alternative means.

13 **Termination of Parental Rights Proceedings**

14 Parents may appear in court for initial hearings on termination of parental rights; however,
15 a video appearance by the parents will be considered an in-person appearance for purposes of the
16 statute.

17 Termination of parental rights trials should go forward in person. District Court Judges
18 should, to the extent possible, accommodate requests to appear by alternative means for any
19 attorney, party or witness who is considered a vulnerable person under current CDC guidelines or
20 to appear by alternative means for any other reason deemed appropriate by the court. During bench
21 trials, all participants in the trial, including the judge and court staff, must wear face coverings at
22 all times.

23 Other motions may be decided on the papers or heard through alternative means. Status
24 checks maybe handled by written reports or, if necessary, heard by alternative means.

25 Mediations conducted pursuant to NRS 432B.5904 shall proceed by alternative means
26 when possible. Otherwise, the mediation should proceed with appropriate social distancing. For
27 in-person mediations, all participants must cover their noses and mouths with face coverings.

28 **Adoptions**

 Adoptions will proceed by alternative means or in person at the discretion of the Judge.

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1 determines a personal appearance is necessary. Matters that can be approved without a hearing
2 will be on the approved list if no objection has been electronically filed and served by 9:30 a.m.
3 on the day before the hearing. The approved list may be accessed on the probate section of the
4 District Court's website at:

5 <http://www.clarkcountyCourts.us/departments/probate>

6 Once on the website, select the weekly probate calendar list.

7 Probate matters on the Probate Judges' calendars will be decided on the papers or heard by
8 video or telephonic means, unless the Judge determines a personal appearance is necessary.

9 If a party electronically files an election to proceed before the District Judge pursuant to
10 EDCR 4.08, any petitions on file will be set by the assigned judge.

11 Original wills may be lodged in person at the Clerk's Office.

12 Scheduling orders in contested matters may be requested by stipulation of the parties
13 submitted to chambers electronically with an order approving the proposed schedule. The assigned
14 Probate Judge or Probate Commissioner will set the evidentiary hearing or trial. Contested matters
15 will be decided on the papers or heard by alternative means unless the Judge or Commissioner
16 makes a determination that a personal appearance is necessary.

17 Sale confirmations currently set will be confirmed based upon the papers filed with the
18 Court and without the necessity of placing the sale for public bid, unless a notice of intent to
19 overbid is electronically filed and served 72 hours before the date of the sale confirmation hearing.
20 Any petition to confirm a sale filed after issuance of this Administrative Order shall contain, in
21 addition to the statutory requirements, language advising that the notice of intent to overbid must
22 be electronically filed and served 72 hours before the scheduled hearing. After receiving an
23 electronically filed notice of intent to overbid, the Court will set a remote hearing through video
24 or telephonic means. Otherwise the sale will be approved in accordance with the notice. All orders
25 on approved matters will be electronically filed by the Court and electronically served.

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1 **COURT FACILITIES**

2 **Family Court and Services Complex**

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4 **Family Law Self-Help Center**

5 The Family Law Self-Help Center may begin providing in-person services. The Self-Help
6 Center is encouraged to provide as many services as possible via telephone, e-mail, and other
7 alternative means. Self-represented litigants may obtain help with family law forms and
8 information at:

9 www.FamilyLawSelfHelpCenter.org

10 e-mail: flshcinfo@lascn.org

11 Telephone: (702) 455-1500 or (702)386-1070

12 Before re-opening to provide services to the public, the Family Self-Help Center has agreed
13 to develop protocols to ensure the health and safety of staff and patrons. The protocols should
14 include methods of limiting waiting times for services, mask-wearing, observing social distancing,
15 and sanitation measures.

16 **Family Mediation Center**

17 The Family Mediation Center may provide in-person mediation services. The Family
18 Mediation Center may continue conducting mediations via telephone or other alternative means.
19 Child interviews and parent-child observations may be scheduled. The Family Mediation Center
20 shall develop and follow protocols to ensure the health and safety of staff and patrons. The
21 protocols must include methods of limiting waiting times for services, mask-wearing, and
22 sanitation measures.

23 **Donna's House Central**

24 Donna's House Central will continue providing supervised visitation, supervised custody
25 exchanges and other in-person services. Donna's House will continue to follow protocols to ensure
26 the health and safety of staff and patrons.

27 **Court Appointed Special Advocate Program**

28 The Court Appointed Special Advocate Program may resume in-person trainings,
orientations and other meetings with members of the public consistent with this order. The CASA

1 program is encouraged to continue conducting as much business as possible by telephone or other
2 alternative means.

3 **Regional Justice Center**

4 The District Court maintains responsibility for security in the RJC. In that regard, the
5 District Court remains concerned about the number of people entering the building during business
6 hours. Any efforts by building occupants to reduce the number of people entering the building are
7 appreciated and the District Court remains willing to assist however possible in these efforts.

8 **Civil Law Self-Help Center**

9 The Civil Law Self-Help Center may begin providing in-person services on or before April
10 1, 2021. The Self Help Center is encouraged to continue to serve as many individuals as possible
11 by phone, e-mail, live chat, and other alternative means. Self-represented litigants may obtain help
12 with civil forms, information, evictions and other matters from the Civil Law Self-Help Center:

13 www.CivilLawSelfHelpCenter.org
14 e-mail: clshcinfo@lascn.org
15 Telephone: (702) 671-3976

16 The Civil Law Self-Help Center has agreed to develop protocols to include methods of
17 limiting waiting times for services, observing social distancing, and sanitation measures.

18 **FINAL PROVISIONS**

19 This order shall be reviewed no later than every 30 days and shall remain in effect until
20 modified or rescinded by a subsequent order.

21 **Dated this 4th day of June, 2021**

22 

23 **DBA F6B C0E9 EB81**
24 **Linda Marie Bell**
25 **District Court Judge**

26 
27 **James W. Hardesty**
28 **Chief Justice**
Nevada Supreme Court