

In the Supreme Court of Nevada

FELICE J. FIORE and SPEEDVEGAS, LLC,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT of the State
of Nevada, in and for the County of Clark; and THE
HONORABLE NANCY L. ALLF, District Judge,

Respondents,

and

ESTATE OF GIL BEN-KELY by ANTONELLA BEN-KELY,
the duly appointed representative of the Estate and
as the widow and heir of Decedent GIL BEN-KELY;
SHON BEN-KELY, son and heir of decedent GIL BEN-
KELY; NATHALIE BEN-KELY-SCOTT, daughter and
heir of the decedent GIL BEN-KELY; GWENDOLYN
WARD, as Personal Representative of the ESTATE OF
CRAIG SHERWOOD, deceased; GWENDOLYN WARD,
individually, and as surviving spouse of CRAIG
SHERWOOD, deceased; GWENDOLYN WARD, as Mother
and Natural Guardian of ZANE SHERWOOD,
surviving minor child of CRAIG SHERWOOD, deceased,
Real Parties in Interest.

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Apr 18 2022 07:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court Case Nos.
A-17-757614-C &
A-18-779648-C

REPLY BRIEF ON MOTION FOR STAY PENDING WRIT PETITION

REPLY BRIEF ON MOTION FOR STAY PENDING WRIT PETITION

The oppositions make two things clear: (1) standing in the way of a stay is plaintiffs’ and the district court’s view that a stay would risk violating the five-year rule in NRCP 41(e); and (2) neither plaintiffs nor the district court understands the operation of NRCP 41(e) as amended in December 2020. (*See* Ex. A, Order Amending Nevada Rule of Civil Procedure 41(e), ADKT 560, filed Dec. 4, 2020.)

In fact, under the most conservative reading of NRCP 41(e), the five-year rule would not run until at least October 13, 2023—nearly *eighteen months* from now. And now the parties agree that a stay suspends the running of that deadline. In other words, if this Court granted a stay today, the parties and the district court would have eighteen months *after* the stay lifts to pick a date for the five-week trial.

To provide much-needed guidance to the bench and bar, this Court should grant the stay.

A. With 18 Months Left on the Five-Year Rule, a Stay Would Not Imperil Plaintiffs’ Ability to Bring their Claims to Trial

1. *Plaintiffs’ Oppositions Rest on their Apparent Belief that the Five-Year Rule Expires on June 28, 2022*

The sole basis for the district court’s denial of a stay—the

potential running of the five-year rule in NRCP 41(e)—forms the core of the oppositions here. Both are replete with references to an impending deadline of June 28, 2022, five years after the June 28, 2017 complaint:

Plaintiffs filed their Complaint on June 28, 2017. As such, there is just over two months left to bring this case to trial.

(Ben-Kely Opp. 2:10-11.)

While a delay in a case usually does not constitute irreparable harm for the party opposing a stay, in this case it could. The Ben-Kely Plaintiffs filed their Complaint on June 28, 2017. NRCP 41(e) mandates dismissal of a case if it is not brought to trial within five years. As such, *the five-year rule runs on June 28, 2022.*

(Ben-Kely Opp. 5:18-28 (emphasis added).)

As Petitioners acknowledge, and Judge Allf found, Real Parties in Interest have diligently pursued this matter but, despite that, have only a few months remaining to try this action under NRCP 41.

(Sherwood Opp. 8.)

Plaintiffs now admit that a stay would toll this supposedly looming deadline. They speculate, however, that because so little time is left, “once the stay is lifted, a trial cannot be set within the tolled five-year window.” (Sherwood Opp. 3; *accord* Ben-Kely Opp. 5:18-28.)

This argument is dubious even on its own terms. It is unlikely that the district court would simply allow the five-year rule to expire rather than using a senior judge or otherwise prioritizing the trial. But

the NRCP 41(e) argument also fails for a simpler reason: as explained immediately below, plaintiffs badly miscalculate the date that it runs.

2. Conservatively, the Trial Court will Have Eighteen Months to Reset the Case for Trial after the Lifting of a Stay

Plaintiffs have not accounted for the suspensions of the five-year rule under the 2020 amendments to NRCP 41(e), which has extended the deadline until at least October 13, 2023.

Under amended NRCP 41(e)(5),

[w]hen a court is unable to conduct civil trial due to compelling and extraordinary circumstances beyond the control of the court and the parties, such as a[] . . . pandemic . . . and enters a district-wide administrative order staying such trials, neither the period of the stay nor an additional period of up to one year after the termination of the stay, if ordered by the court in the same or a subsequent administrative order, shall be counted in computing the time periods under this section.

Lest any doubt linger, two concurring-and-dissenting Justices agreed that the emergency COVID orders had exactly that effect: although they did not think the relief went far enough, “the administrative orders suspending NRCP 41(e) during the period of the COVID-19 pandemic create the need for a transitional amendment, which the majority’s draft fulfills.” (Ex. A (Pickering, J., concurring and dissenting).)

Even under a conservative reading of the Eighth Judicial District

Court’s administrative orders, just over three-and-a-half of the five years has elapsed:

Days Elapsed	Date	Order # (Exhibit B)	Event / Effect on Five-Year Rule
-	6/28/17		Complaint filed
992	3/16/20	AO 20-01	All jury trials suspended: “This order shall operate to stay trial in civil cases for purposes of NRCP 41(e).”
992	3/12/21	AO 21-03	Stay continues: “This order shall continue to stay trial in civil cases for purposes of tolling NRCP 41(e) except where a District Court Judge makes findings to lift the stay in a specific case to allow the case to be tried.”
992	6/4/21	AO 21-04 (super-seding prior orders)	“This order shall continue to stay trial in civil cases for purposes of tolling NRCP 41(e) until July 1, 2021, except where a District Court Judge makes findings to lift the stay in a specific case to allow the case to be tried.”
992	7/1/21		District-wide stay arguably lifts
1187	1/12/22	AO 22-02	“[J]ury trials that are expected to take longer than a calendar week are paused for 30 days”
1187	2/10/22	AO 22-04	Rescinds the pause in AO 22-02
1283	4/18/22		Today
1826 (5 yrs)	10/13/23		543 days from today, five-year rule arguably expires

In addition, of course, even if petitioners have miscalculated, they can “stipulate in writing to extend the time in which to prosecute an action.” NRCP 41(e)(5). Petitioners expressly do so, giving plaintiffs until at least October 13, 2023 to bring the case to trial.

Thus, if this Court enters a stay, tolling the five-year rule, the district court will have approximately *eighteen months* within which to reset the trial once the stay is lifted.

B. Plaintiffs' Other Objections, Not Adopted by the District Court, Do Not Merit Withholding a Stay

Other than the phantom Rule 41(e) danger, the district court cited no reason for denying the stay. (Ex. G to Mot., at 17:22-24.) In fact, the district court expected that if this Court intends to proceed on the merits of the petition, this Court will grant a stay. (*Id.*) It should.

First, plaintiffs can claim no prejudice: they have received substantial settlements, alleviating any financial burden from a stay.

Second, plaintiffs ignore the prejudice to petitioners: In a trial on Lamborghini's defects, they may be barred from using Lamborghini's evidence. And Fiore, as an individual not in the regular business of selling or even leasing multiple vehicles, may *not* be able to vindicate his appeal rights if saddled an astronomical judgment of the kind normally borne by commercial manufacturers or distributors like Lamborghini.

Finally, plaintiffs' characterization of the principal issue—that revenue-sharing in a single lease on a single vehicle extinguishes “occasional seller” protection, a position not adopted in any jurisdiction—underscores the petition's merit and the need for this Court's guidance.

This Court should do as the district court expected: hear the petition and grant a stay.

Dated this 18th day of April, 2022.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Abraham G. Smith

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CERTIFICATE OF SERVICE

I certify that on April 18, 2022, I submitted the foregoing “Reply Brief on Motion for Stay Pending Writ Petition” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada,

addressed as follows:

The Honorable Nancy L. Allf
DISTRICT COURT JUDGE – DEPT. 27
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

/s/ Cynthia Kelley
An Employee of Lewis Roca Rothgerber Christie LLP

EXHIBIT A

EXHIBIT A


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF RULE 41(E) OF THE
NEVADA RULES OF CIVIL
PROCEDURE

ADKT 0560

FILED

DEC 04 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER AMENDING NEVADA RULE OF CIVIL PROCEDURE 41(e)

WHEREAS, on June 2, 2020, Kristina Pickering, Chief Justice, and Mark Gibbons, Associate Chief Justice, of the Nevada Supreme Court, filed a petition in this court seeking to amend the mandatory dismissal provisions in Nevada Rule of Civil Procedure 41(e); and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on June 29, 2020, and thereafter invited and considered additional public comment; and

WHEREAS, it appears that an amendment to Nevada Rule of Civil Procedure 41(e) is warranted; accordingly,

IT IS HEREBY ORDERED that Nevada Rule of Civil Procedure 41(e) shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to Nevada Rule of Civil Procedure 41(e) shall be effective 60 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of

this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 4TH day of December, 2020.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

PICKERING, C.J., with whom GIBBONS, J., agrees, concurring in part and dissenting in part:

The 5-year mandatory dismissal provision in NRCP 41(e) dates back to the mid-20th century. *See Astorga v. Ishimatsu*, 77 Nev. 30, 32, 359 P.2d 83, 84 (1961) (tracing history and statutory origins of NRCP 41(e)). Early case management procedures and computerized case tracking systems have led courts elsewhere, almost without exception, to abandon their version of NRCP 41(e) in favor of discretionary dismissal provisions modeled on Fed. R. Civ. P. 41(b). *See In the Matter of the Amendment of Rule 41(e) of the Nevada Rules of Civil Procedure*, ADKT No. 560 (Working Group Fifty-State Survey). The time has come, I submit, for Nevada to do the same. For these reasons, I would adopt the amendment to NRCP 41(e) unanimously proposed by the working group whose research underlies this

petition. *Id.*, Exhibit B. That said, the administrative orders suspending NRCP 41(e) during the period of the COVID-19 pandemic create the need for a transitional amendment, which the majority's draft fulfills. While I prefer the version of NRCP 41(e) proffered by the working group, and to that extent dissent, I concur in the majority's decision to amend NRCP 41(e) as set forth in the attachment to this order.

Pickering, J.
Pickering

I concur:

Gibbons, J.
Gibbons

cc: Eric Dobberstein, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
All Court of Appeal Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT OF NEVADA RULE OF CIVIL PROCEDURE 41(e)

Rule 41. Dismissal of Actions

*** * ***

(e) Dismissal for Want of Prosecution.

(1) Procedure. When the time periods in this rule have expired:

(A) any party may move to dismiss an action for lack of prosecution; or

(B) the court may, on its own, issue an order to show cause why an action should not be dismissed for lack of prosecution. After briefing, the court may hold a hearing or take the matter under submission, as provided by local rules on motion practice.

(2) Dismissing an Action Before Trial.

(A) The court may dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 2 years after the action was filed.

(B) The court must dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 5 years after the action was filed.

(3) Dismissing an Action After a New Trial Is Granted. The court must dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 3 years after the entry of an order granting a new trial.

(4) Dismissing an Action After an Appeal.

(A) If a party appeals an order granting a new trial and the order is affirmed, the court must dismiss the action for want of prosecution if

a plaintiff fails to bring the action to trial within 3 years after the remittitur was filed in the trial court.

(B) If a party appeals a judgment and the judgment is reversed on appeal and remanded for a new trial, the court must dismiss the action for want of prosecution if a plaintiff fails to bring the action to trial within 3 years after the remittitur was filed in the trial court.

(5) Extending Time; Computing Time. The parties may stipulate in writing to extend the time in which to prosecute an action. If two time periods requiring mandatory dismissal apply, the longer time period controls. When a court is unable to conduct civil trials due to compelling and extraordinary circumstances beyond the control of the court and the parties, such as an epidemic, pandemic, natural disaster, or safety or security threat, and enters a district-wide administrative order staying such trials, neither the period of the stay nor an additional period of up to one year after the termination of the stay, if ordered by the court in the same or a subsequent administrative order, shall be counted in computing the time periods under this section.

(6) Dismissal With Prejudice. A dismissal under Rule 41(e) is a bar to another action upon the same claim for relief against the same defendants unless the court provides otherwise in its order dismissing the action.

EXHIBIT B

EXHIBIT B

FILED

MAR 13 2020

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

Ann L. Blum
CLERK OF COURT

IN THE MATTER OF)
The Eighth Judicial District)
Court's Response to Coronavirus)
Disease (COVID-19))

Administrative Order: 20-01

Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada charges the Chief Judge of the Eighth Judicial District Court with various responsibilities, such as supervising the administrative business of the district court, ensuring the quality and continuity of court services, supervising the court calendar, reassigning cases as convenience or necessity requires, assuring the court's duties are timely and orderly performed, and otherwise facilitating the business of the district court.

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19). Given the severity of the risk posed to the public by COVID-19, and after consultation with the Nevada Supreme Court Chief Justice Kristina Pickering, the Chief Judge of the District Court has determined that alterations to court procedure are necessary for the protection of the community.

During this time, the District Court will continue to accept filings and continue to operate managing cases within the parameters set forth in this order.

Effective March 16, 2020, all currently scheduled non-essential District Court hearings are ordered to be conducted by video or telephonic means; decided on the papers; or rescheduled unless otherwise directed by a District Court Judge.

///

1 At this time, essential case types and hearings will continue to be heard through in-
2 person appearances, although appearance by alternative means under Nevada Supreme Court
3 Rule Part IX is encouraged when possible. Essential case types and hearings include the
4 following:

- 5
- 6 1. In-custody criminal sentencings, bail motions, and probation revocation hearings
7 until arrangements can be made to hear these matters by alternative means;
- 8 2. Criminal arraignments;
- 9 3. Civil commitment cases;
- 10 4. Guardianship matters except for compliance related hearings which include annual
11 accountings. Given the vulnerability of the guardianship populations, all protected
12 persons shall appear by alternative means;
- 13 5. Domestic temporary or extended protection orders;
- 14 6. Juvenile delinquency matters;
- 15 7. Abuse and neglect preliminary protective hearings;
- 16 8. High-risk protective orders;
- 17 9. Civil temporary restraining orders and preliminary/permanent injunctive relief
18 hearings.
- 19 10. Probate petitions for orders of cremation.
- 20 11. Other than jury trials, case-by-case exceptions may be ordered at the discretion of
21 a District Court Judge.
- 22

23 All jury trials, civil and criminal, scheduled in District Court for the next 30 days will
24 be suspended and will be rescheduled as the court calendar allows. No summonsed
25 prospective jurors are to appear. Any currently ongoing jury trial will finish.

26

27 This order shall operate to stay trial in civil cases for purposes of NRCP 41(e). The
28 time period of any continuance entered as a result of this order shall be excluded under for

1 purposes of calculating speedy trial under NRS 178.556(1) and NRS 174.511 as the Court
2 finds the that ends of justice served by taking that action outweigh the interests of the parties
3 and the public in a speedy trial. Absent further order of the Court or any individual judge, the
4 period of exclusion shall be from March 16, 2020 through April 17, 2020. The Court may
5 extend the period of exclusion as circumstances warrant.

6
7 Additionally, the Centers for Disease Control has advised people to take precautions
8 and that the best way to prevent illness is to avoid exposure. As a result, District Court
9 Administration is ordered to post a notice at the entrance of all district court facilities
10 advising the following people that they may not enter the court facility:

11
12 1. Persons who in the last 14 days have traveled to a country designated as a Level 3
13 travel health notice according to the Centers for Disease Control and Prevention.
14 Currently those countries include: China, Iran, South Korea, Austria, Belgium, Czech
15 Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland,
16 Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway,
17 Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San
18 Marino, Vatican City. The list is subject to change by the CDC.

19 2. Persons who reside or have close contact with someone who has travelled to any
20 foreign country above within the last 14 days;

21 3. Persons who have been asked to self-quarantine by any doctor, hospital, or health
22 agency;

23 4. Persons who have been diagnosed with coronavirus or who has had contact in the
24 past 14 days with anyone who has been diagnosed with CoVID-19; or

25 5. Persons with unexplained fever, cough or shortness of breath.

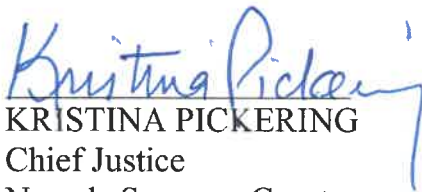
26
27 Anyone attempting to enter in violation of these protocols will be denied entry by
28 District Court Marshals.


1 District Court Administration is also ordered to establish a customer service number
2 in cooperation with the Las Vegas Municipal Court and Las Vegas Justice Court to assist all
3 persons unable to enter the court facility because of exposure or illness.
4

5 If a person is unable to appear in court because of the restrictions above, the person
6 may call 702-455-4472 to speak to a customer service representative for assistance in
7 rescheduling their court appearance, arranging for appearance by alternative means or
8 provide other information based on the circumstances of the appearance.
9

10 This order shall be reviewed no later than every 30 days and shall continue until
11 modified or rescinded by a subsequent order.
12

13 Entered this 13th day of March 2020.

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17 KRISTINA PICKERING
18 Chief Justice
19 Nevada Supreme Court
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LINDA MARIE BELL
Chief Judge
Eighth Judicial District Court

FILED

MAR 12 2021


CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

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

Administrative Order: 21-03

On March 12, 2020, Governor Steve Sisolak issued a Declaration of Emergency in response to the COVID-19 pandemic. The next day, March 13, 2020, the President of the United States declared a nationwide emergency pursuant to §501(6) of the Robert T. Stanford Disaster Relief and Emergency Assistance Act. 42 U.S.C. §§5121-5207. To mitigate the spread of this deadly virus, the Centers for Disease Control recommends social distancing and wearing face coverings. Governor Sisolak, in Directive 021, also recommends social distancing and mandates the wearing of face masks by employees interfacing with the public.

The Nevada Constitution provides in Article 3 §1 that, "The powers of the Government of the State of Nevada shall be divided into three separate departments, - the Legislative, - the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging 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 Department, each (the Legislative, the Executive, and the Judicial) possess inherent and incidental powers that are properly termed ministerial. Ministerial functions are methods of implementation to accomplish or put into effect the basic function of each Department." Galloway v. Truesdell, 83 Nev. 13, 21, 422 P.2d 234, 237 (1967).

The judicial power is vested in the state Court system comprised of the Nevada Supreme Court, the Nevada Court of Appeals, District Courts, Justice Courts and Municipal Courts. Nev. Const. art. VI, §1. The Nevada Constitution expressly recognizes the Chief Justice as the administrative head of the Court system. Nev. Const. art. VI §19. By expressly identifying the Chief Justice as the Court system's administrative leader, the Chief Justice has "inherent power to take actions reasonably necessary to administer justice efficiently, fairly, and economically."

1 Halverson v. Hardcastle, 123 Nev. 245, 260, 163 P.3d 428, 439 (2007). Consequently, the
2 Nevada Supreme Court, “through the Chief Justice, has the ultimately authority over the
3 judiciary’s inherent administrative functions.” Id. at 260, 163 P.3d at 439.

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

9 Following the March 12, 2020 Declaration of Emergency, the District Court, in
10 consultation with the Nevada Supreme Court, concurred with the Governor and exercised its
11 ministerial judicial powers. On an emergency basis, the District Court entered Administrative
12 Orders 20-01 through 20-14; 20-16; 20-17; 20-22 through 20-24; and 21-01. These Orders
13 changed Court procedures to minimize person-to-person contact and mitigate the risk associated
14 with the COVID-19 pandemic, while continuing to provide essential Court services.

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

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

25 **SAFETY AND PRECAUTIONS**

26 Governor Sisolak’s May 7, 2020 Declaration of Emergency Directive 018 directs
27 employers to take proactive measures to ensure compliance with social distancing and sanitation
28 guidelines and to follow guidelines promulgated by the Nevada State Occupational Safety and

1 Health Administration (NV OSHA). The Governor reiterated these principles in Directive
2 021§§12-16.

3 Under the directive, employers must require employees who interact with the public to
4 cover their noses and mouths with face coverings to the maximum extent possible and employers
5 must meet or exceed standards promulgated by NV OSHA. The directive also encourages
6 employers and employees to incorporate the following protocols into their operations to the
7 maximum extent practicable:

- 8 (1) Encourage customers to cover their noses and mouths with face coverings;
- 9 (2) Continue to encourage telework, whenever possible and feasible with business
10 operations;
- 11 (3) Return to work in phases;
- 12 (4) Close common areas where personnel are likely to congregate and interact, or enforce
13 strict social distancing protocols;
- 14 (5) Strongly consider special accommodations for personnel who are members of a
15 vulnerable population;
- 16 (6) Encourage employees to do a self-assessment each day in order to check if they have
17 any COVID-19 type symptoms, for example, fever, cough or shortness of breath;
- 18 (7) Practice hand hygiene;
- 19 (8) Perform frequent enhanced environmental cleaning of commonly touched surfaces;
- 20 (9) Implement separate operating hours for vulnerable populations;
- 21 (10) Provide signage advising the public of appropriate social distancing within the
22 facility, including six feet of social distancing from other individuals; and
- 23 (11) Provide readily available hand sanitizer or other sanitizing products for employees
24 and customers.

25 NV OSHA's guidelines require that employers must provide face coverings for
26 employees assigned to serving the public and shall require these employees to wear the face
27 coverings so as to cover their faces and mouths. NV OSHA also recommends that employers
28 monitor employees, including during lunches and breaks to ensure that they are maintaining
proper social distancing protocols at all times.

1 The District Court is committed to providing a safe and healthy workplace for all our
2 employees and the public we serve. To mitigate the spread of COVID-19, we will need to
3 change many of our ordinary practices in a manner that reduces the risks associated with this
4 public health emergency. Consequently, the following precautions are ordered:

5 **Screening Protocols**

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

- 12 (1) Persons who have traveled out of the country in the past 14 days or who reside with
13 someone who has traveled out of the country in the past 14 days;
- 14 (2) Persons who have been asked to self-quarantine by any doctor, hospital, or health
15 agency;
- 16 (3) Persons who have been diagnosed with coronavirus and not medically cleared or
17 persons who have had contact in the past 14 days with anyone diagnosed with
18 coronavirus and not medically cleared; or
- 19 (4) Persons with unexplained fever, cough, or shortness of breath.

20 The Marshals Division may develop screening protocols including screening questions
21 and temperature checks if deemed appropriate. Anyone attempting to enter in violation of these
22 protocols or refusing to comply with the protocols will be denied entry by District Court
23 Marshals.

24 District Court Administration will also maintain a customer service number in
25 cooperation with the Las Vegas Municipal Court and Las Vegas Justice Court to assist all
26 persons unable to enter the Court facility because of exposure or illness. If a person is unable to
27 appear in Court because of the restrictions, that person may call 702-455-4472 to speak to a
28 customer service representative for assistance in rescheduling their Court appearance, arranging
for appearance by alternative means or to obtain other information based on the circumstances of
the appearance.

Appearances by Alternative Means

Due to restrictions on the entrants to the Court facilities and to reduce the potential for spread of infection, appearances by alternative means are required by all lawyers and litigants, in all case types with the exceptions of bench and jury trials and in-custody defendants appearing in the Lower Level Arraignment Courtroom. For trials, District Court Judges should, to the extent possible, accommodate requests to appear by alternative means for any attorney, party or witness who is considered a vulnerable person under Governor's Directive 21§5. This includes persons who are over 65, pregnant, or suffering from an underlying health condition. For proceedings other than trials, no in-person appearance shall be made unless the assigned District Court Judge or Hearing Master determines that there is an extraordinary circumstance requiring a personal appearance.

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

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

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

Nevada Supreme Court Rules Part IX expressly excludes juvenile proceedings from the rules governing appearances by telephonic and audiovisual transmission. This rule is suspended

1 due to the COVID-19 pandemic. Attorneys, probation officers, social workers, parents,
2 guardians, and any other necessary parties to a juvenile proceeding are strongly encouraged to
3 appear by alternative means.

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

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

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

25 Media reporters may request to attend any public court proceeding by alternative means
26 for the purpose of observing the proceedings. Any reporter requesting an appearance in this
27 manner must contact the department for a BlueJeans video link. Reporters appearing by
28 alternative means must remain on mute and are not permitted to interject or speak during any
proceeding. A reporter violating this rule will lose the ability to appear by alternative means.

Mandatory Face Coverings

For the health and safety of all, members of the public must wear face coverings that cover their noses and mouths. Face coverings must be worn at all times while in any Court facility and while in any security screening line to enter a Court facility. "Court facilities" include the Regional Justice Center, the Family Court building, District Court courtrooms and office space on the tenth and eleventh floors of the Phoenix building, District Court courtrooms and office space in the Greystone building and District Court office space in the Clark Place building.

All District Court judges and employees must cover their noses and mouths with face coverings while at work unless they are alone in unshared work space. This includes all common areas of any facility as well as parking lots, back hallways, employee-only elevators, shared restrooms and break rooms.

All attorneys, vendors, and employees of any organization or entity who work in a Court facility must cover their noses and mouths with face coverings while in any common areas of the facilities. Common areas include, but are not limited to, security screening, lobby areas, public elevators, employee elevators, shared back hallways, public restrooms and courtrooms. This includes, but is not limited to, employees of Las Vegas Municipal Court, Las Vegas Justice Court, Legal Aid Self-Help Centers, Clark County Clerk's Main Office, Clark County District Attorney's Office, Clark County Public Defender's Office, Clark County Department of Juvenile 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.

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

Face coverings must cover the nose and mouth at all times. Face coverings with vents, bandanas, or face coverings made out of mesh are not permitted. Face shields may be worn with

1 a mask as added protection, but may not be worn alone. Face coverings must be worn regardless
2 of vaccination status.

3 **Meetings**

4 Meeting by telephone, teleconference, videoconference or e-mail remains highly
5 preferred. To protect judicial resources and prevent the spread of illness among members of the
6 Court, counsel, staff, public and community partners, there shall be no in-person gatherings or
7 meetings to discuss Court business of more than 100 people. This includes judges meetings;
8 executive committee meetings; division judges meetings; bench-bar meetings; any meetings with
9 community partners; specialty Court staffing; specialty Court graduations; administrative
10 department meetings; continuing education meetings; meetings of judges, hearing masters and/or
11 staff within a particular case assignment. Any in-person meeting must observe social distancing
12 and masks must be worn at all times by those attending the meeting. No food or beverages may
be served at in-person meetings.

13 **Policies**

14 Court Administration is directed to develop more extensive return-to-work policies to
15 provide guidance to supervisors and employees to ensure that the District Court is complying
16 with OSHA guidelines. This may include screening, hygiene practices, social distancing
17 practices, sanitation, employee phasing in and remote work schedules, and disciplinary
guidelines for failure of employees to follow safety protocols.

18 **Social Distancing**

19 All District Court Judges and Court Administration must adhere to the social distancing
20 space plans as diagramed by Real Property Management at the request of the District Court. The
21 plans will be provided separately.

22 District Court employees must ensure they maintain proper social distancing at all times
23 while at work and during breaks. District Court Marshals should maintain proper social
24 distancing at all times except when their work assignment makes it impossible to do.

25 Social distancing must be observed by all members of the public and occupants of
26 common areas of court facilities. Public and employee elevators at Court facilities must be
27 limited to no more than four occupants at a time to prevent crowding and allow for maximum
28 social distancing.

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GENERAL PROVISIONS

Attorney Obligations

Attorneys, as officers of the Court, have ethical obligations for cooperative civility under normal circumstances. This Court, under the present circumstances, reminds attorneys that they have an obligation to cooperate with the Courts and one another as we all navigate these challenging circumstances. This is not the time to press for unwarranted tactical advantages, unreasonably deny continuances or other accommodations, or otherwise take advantage of the challenges presented due to the current pandemic. Lawyers are expected to be civil, professional, and understanding of their colleagues, parties and witnesses who are ill or otherwise unable to meet obligations because of the current restrictions.

Limited Re-Opening of the Clerk's Office to In-Person Filing

As a result of the statewide pause, the Eighth Judicial District Court Clerk's Office has been closed to in-person services. Beginning on Monday, March 15, 2021, the Civil/Criminal Clerk's Office and the Family Clerk's Office will both be open to provide in-person services Mondays through Thursdays, 1:00 p.m. to 4:00 p.m. and on Fridays from 8:00 a.m. to 4:00 p.m. Litigants are encouraged to file electronically without a personal visit to the Clerk's Office when at all possible. For litigants who do not have the ability to electronically file documents, documents may be mailed to the following addresses:

District Court Civil/Criminal Division
Attn: Clerk's Office
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89155

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

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

1 OTHER THAN MAIL AND ORIGINAL WILLS, NO PAPER DOCUMENTS WILL
2 BE ACCEPTED BY THE COURT AT THIS TIME. Call (702) 455-4472 with questions
3 regarding filing.

4 **Continuances**

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

12 **Courtesy Copies**

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

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

21 **Depositions**

22 In-person depositions may go forward effective March 15, 2021, so long as social
23 distancing protocols are observed. Until that date, no in-person depositions shall proceed except
24 on stipulation or order obtained after filing a motion demonstrating good cause for the need for
25 an in-person deposition. Deposition by alternative means is the preferred method of handling
26 depositions. During the period this order is in effect the Court interprets NRCP 28(a)(1) and
27 NRCP 30 to allow the deposition officer to be in a separate location from the deponent. See
28 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
11 medical records. Judges are encouraged to grant requests to continue discovery under these
12 circumstances.

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

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

25 **Electronic Service**

26 All lawyers and self-represented litigants are required to register for electronic service
27 and update any change of e-mail address with the Court. In the limited circumstance where a
28 self-represented litigant does not have an e-mail address, the Court Clerk's Office is directed to
assist 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 must be conducted by video or
4 telephonic means or decided on the papers unless otherwise directed by a District Court Judge.
5 Cases should be rescheduled at the request of parties or counsel due to issues caused by the
6 COVID-19 pandemic including witness unavailability, inability to obtain documents or other
7 good cause.

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

12 **Original Signature Requirements**

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

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

23 **Proposed Orders**

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

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

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

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

12 Documents not properly submitted may be returned.

13 NO ADDITIONAL ARGUMENT OR DISCUSSION SHOULD BE INCLUDED IN
14 THE E-MAIL.

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

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

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

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

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

25 Rule 16.1, 16.2, and 16.205 conferences should proceed. Early case conferences should
26 be conducted by telephone or videoconference. To the extent possible, all initial disclosures,
27 supplements and other written discovery should be exchanged through electronic means. If a
28 conference cannot proceed because of issues related to COVID-19, an appropriate motion should
be filed with the assigned District Court Judge.

1 Deadlines for initial disclosures, disclosure of expert witnesses and testimony,
2 supplementation of discovery, pre-trial disclosures, and filing of case conference reports will
3 vacate the July 1, 2020, stay. Requests to continue deadlines should be filed with the assigned
4 District Court Judge.

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

6 In order to assist with the backlog of trials, judicial settlement conferences are highly
7 encouraged. In all divisions, settlement briefs and supporting exhibits must be submitted
8 electronically. Settlement conferences may be held by alternative means. If the settlement
9 conference is not held by alternative means, the judge and attorneys must develop a social
10 distancing plan prior to the settlement conference. All participants must wear masks that cover
11 their noses and mouths at all times during the settlement conference.

12 In the Family Division, there are three possibilities for judicial settlement conferences:
13 (1) the Senior Judge Settlement Conference Program (which will resume April 1, 2021); (2) the
14 Family Division Settlement Conference Program; and (3) Senior Settlement Conferences.
Settlement conferences should be requested through the assigned department.

15 In the Civil Division, judicial settlement conference may be set through the Civil
16 Settlement Conference Program by contacting Department 30. Counsel may also contact
17 individual judges to request settlement conferences or reach out to the assigned departments to
18 submit a request for a senior judge to conduct a settlement conference.

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

25 **Specialty Courts (All Divisions)**

26 All status hearings should go forward by alternative means unless a judge or hearing
27 master determines that extraordinary circumstances warrant a personal appearance. No jail
28 sanctions will be imposed by any specialty court program for non-compliance. This does not

1 prevent arrest of a participant who is on probation for a probation violation. This also does not
2 preclude a participant from being placed on electronic monitoring; however, no Specialty Court
3 participant may be placed on CCDC house arrest with the exception of felony DUI participants
4 in the first six months of the program who lack the current ability to self-pay. The Court will
5 work with the treatment providers to continue to provide treatment while balancing the safety of
6 the participants and treatment provider staff.

7 **Sealed Documents**

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

13 **Service of Process**

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

20 **Summonses and Certified Copies**

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

25 **Trials**

26 Bench trials in all case types should go forward when possible. Appearances by
27 witnesses, parties, and lawyers may be by alternative means unless the District Court Judge finds
28 that a personal appearance by an individual is necessary to conduct the proceeding. During bench

1 trials, all participants in the trial, including the judge and court staff, must be socially distanced
2 or separated by Plexiglass and must wear masks at all times.

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

6 The District Court will continue to follow the COVID-19 Jury Trial Plan for safely
7 conducting jury trials. The Jury Commissioner is to include health and safety information in the
8 jury summons, including social distancing and mask requirements. District Court Jury selection
9 will take place in the Jury Services Room or an alternate location designated by the court that
10 allows for sufficient social distancing of the jurors. The District Court will prioritize criminal
11 trials, beginning with criminal cases involving interstate compact issues and criminal cases in
12 which a defendant is in custody and has invoked speedy trial rights. Civil cases will be
13 prioritized by those with NRCP 41(e) timeline concern; cases with statutory preferences; cases
14 with preferential trial settings and then by case age.

15 Panels for other courts in Clark County may also be summonsed provided that the court
16 requesting the panel creates a social distancing/safety plan for the juries. Key points of the plan
17 will be included with the jury summons.

18 This order shall continue to stay trial in civil cases for purposes of tolling NRCP 41(e)
19 except where a District Court Judge makes findings to lift the stay in a specific case to allow the
20 case to be tried.

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

25 **Writs of Execution and Writs of Garnishment**

26 Writs of execution and garnishment were previously stayed by Governor's Directive 017
27 §1-2. The stay was lifted in Governor's Directive 026.

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CIVIL MATTERS

Alternative Dispute Resolution

All matters in the Court Annexed Arbitration Program, Court Annexed Mediation Program, and Nevada Foreclosure Mediation Program should proceed. These matters shall be conducted by video or telephonic means when possible. If a personal meeting is necessary, social distancing must be observed and all participants must wear face coverings covering their noses and mouths.

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

Extension of Time Deadlines

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

Evictions and Foreclosures

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

Response Time for Offers of Judgment

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

Rule 16 Conferences

Rule 16 conferences must be conducted by alternative means. The District Court Judges should continue to comply with the deadlines set in NRCP 16(b)(2) but should be mindful that attorneys and parties may face difficulties conducting discovery, obtaining discovery responses

1 and communicating with their clients. These potential difficulties should be addressed and taken
2 into consideration when issuing NRCP 16 scheduling orders.

3 **Subpoenas**

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

9 **Short Trial Program**

10 The Short Trial Program will proceed. Short Trial Judge and Participants must comply
11 with the Eighth Judicial District Court's Jury Trial Plan. Short bench trials may proceed,
12 preferably using alternative means to the extent possible. Due to overtime restraints, short trials
13 must conclude by 5:00 p.m.

14 **CRIMINAL MATTERS**

15 All criminal matters should proceed. Criminal law and motion hearing times will be as
16 designated in the attachment to this order. Each judge will have a time to hear in-custody
17 matters and a separate time for out-of-custody matters. Judges are encouraged to limit status
18 checks or request status updates in writing and to consider ruling on the papers for motions that
19 do not require oral argument.

20 **Certified Copies**

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

25 **Grand Jury**

26 The three currently existing grand juries will continue to hear cases. The Court will
27 begin the process of replacing the existing grand juries, beginning with the longest-serving grand
28 jury.

1 Any Grand Jurors who are unable to continue service to the Grand Jury due to COVID-
2 19 related health or employment issues will be excused on a case-by-case basis and replaced
3 with alternates.

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

9 Nevada Revised Statute 172.138 provided for the use of audiovisual technology to
10 present live testimony at grand jury proceedings "if good cause otherwise exists." The statute
11 requires that the technology ensures that the witness may be "clearly heard and seen" and
12 "examined." The Nevada Supreme Court has also provided for use of audiovisual equipment in
13 criminal proceedings in Supreme Court Rules Part IX-A(B).

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

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

23 **Guilty Pleas**

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

1 On page ____ of the plea agreement your attorney has signed your name with a
2 notation that they signed it at your direction. Is that correct?

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

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

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

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

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

12 **In-Custody Appearances**

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

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

25 **Out-of-Custody Appearances**

26 Due to the limited capacity of the Regional Justice Center at this time, out-of-custody
27 defendants must appear by alternative means whenever possible, including for entry of plea,
28 status checks, motions, and sentencing where the negotiation contemplates probation. Out-of-
custody defendants shall appear in person for probation revocation hearings where jail time or

1 revocation is being sought, sentencings where the negotiation contemplates a prison or jail
2 sentence, trials, and for any matter where the judge makes an individual determination that the
3 defendant's presence is necessary for the determination of the matter.

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

6 All attorneys are encouraged to appear by alternative means. Video appearance is
7 required in criminal matters unless prevented by technological issues. In order to appear by
8 alternative means in a criminal matter, attorneys must e-mail the department at least one judicial
9 day in advance of the Court appearance and provide the e-mail the attorney intends to use to
10 appear. In case of an emergency that does not allow for one day's notice, attorneys should
11 contact the department.

12 **DOMESTIC MATTERS**

13 **Confidential Reports**

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

23 **Motions**

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

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

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GUARDIANSHIP

All guardianship matters will proceed, including compliance hearings. Given the vulnerability of the guardianship populations, all protected persons must appear by alternative means. Assistance with emergency guardianships may be obtained by calling (702) 455-4472.

JUVENILE DEPENDENCY CASES

All juvenile dependency matters should proceed. Appearances by alternative means for lawyers, DFS workers and others are strongly encouraged when possible.

Adjudicatory Hearings

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

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

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

Termination of Parental Rights Proceedings

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

Appearances by alternative means are encouraged for any party, witness or lawyer participating in a termination of parental rights trial unless the Judge determines a personal appearance is necessary.

1 Other motions may be decided on the papers or heard through alternative means. Status
2 checks should be handled by written reports or, if necessary, heard by alternative means.

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

6 **Adoptions**

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

8 **Court-Ordered Admissions to Mental Health Facilities**

9 Hearings regarding court-ordered admissions to mental health facilities pursuant to NRS
10 432B.607 et. seq. may be held by alternative means.

11 **Child Haven and Parent Visitation**

12 Placements at Child Haven should be strongly discouraged. Out-of-state visitation will
13 be allowed unless the Court determines that visitation poses a health risk to the child. Visitation
14 at Child Haven and parental visitation of children in foster care may proceed if precautions are
15 taken to ensure the safety of the child and the well-being of others in the home in which the child
16 resides. The Division of Family Services is directed to create policies for visitation given the
17 current circumstances.

18 **Timely Filing of Orders**

19 Judicial departments will be responsible for timely filing orders from hearings. The
20 Division of Family Services will electronically upload orders for the Court for review and the
21 judicial departments will be responsible for reviewing and filing orders in a timely manner to
22 prevent disruption of federal funding.

23 **JUVENILE DELINQUENCY CASES**

24 All juvenile delinquency matters will proceed. Audiovisual appearances should be used
25 whenever possible. No in-custody juvenile who is hospitalized, isolated, or quarantined will be
26 transported to court or appear for a court proceeding. Those matters are to be continued until the
27 juvenile is no longer under any hospitalization, isolation, or quarantine. No juvenile matter may
28

1 proceed without the juvenile present either in person or by alternative means. If the juvenile is
2 unavailable, the matter will be continued.

3 **Signatures on Juvenile Written Admissions**

4 In order to ensure the rights of juveniles are being protected while the court allows
5 appearances by alternative means, all admissions must be in writing and include an
6 acknowledgment of rights and an acknowledgment of the standard terms and conditions of
7 probation or parole. Written admissions must be signed by the juvenile or signed by the
8 juvenile's attorney and be e-filed and accepted by the court.

9 If the juvenile is unable to personally sign the written admission due to coronavirus
10 precautions, the written admission shall be signed by counsel in the following manner:

11 Signature affixed by (insert name of defense counsel) at the direction of
12 (insert name of defendant). The judge shall make a record that because of
COVID-19 precautions that the defendant was unable to physically sign
the [admission].

13 The defendant shall be canvassed by the judge taking the plea as follows:

14 On page [say page number] of the [admission] your attorney has signed your
15 name with a notation that they signed it at your direction. Is that correct?

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

17 Before directing your attorney to sign for you, did you read the [admission] and
18 talk to you[r] attorney about the terms of [probation or parole]?

19 Did you discuss that your attorney signing your name at your direction will be
20 treated the same as if you actually signed the [admission]?

21 Did you knowingly, willingly, and voluntarily direct your attorney to sign this
22 [admission] on your behalf?

23 Do you agree to have the signature placed on the [admission] by your attorney to
24 be treated the same as if you signed the [admission]?

PROBATE

Probate hearings on the Probate Commissioner's calendar that are opposed or require a hearing shall go forward and be heard by alternative means unless the Probate Commissioner determines a personal appearance is necessary. Matters that can be approved without a hearing will be on the approved list if no objection has been electronically filed and served by 9:30 a.m. on the day before the hearing. The approved list may be accessed on the probate section of the District Court's website at:

<http://www.clarkcountycourts.us/departments/probate>

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

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

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

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

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

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

COURT FACILITIES¹

Family Court and Services Complex

Family Law Self-Help Center

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

www.FamilyLawSelfHelpCenter.org

e-mail: flshcinfo@lascn.org

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

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

Family Mediation Center

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

Donna's House Central

Donna's House Central will continue providing supervised visitation, supervised custody exchanges and other in-person services by appointment only. Donna's House will continue to follow protocols to ensure the health and safety of staff and patrons. The protocols must include methods of limiting waiting times for services, mask-wearing, social distancing plans, and sanitation measures.

¹ This section of the administrative order will be reviewed if the eviction moratorium is lifted.

1 **Court Appointed Special Advocate Program**

2 The Court Appointed Special Advocate Program may resume in-person trainings,
3 orientations and other meetings with members of the public in groups of 50 or less. During any
4 training, orientation or meeting, social distancing must be observed and all participants must
5 cover their noses and mouths with face coverings. The CASA program is encouraged to
6 continue conducting as much business as possible by telephone or other alternative means.

7 **Regional Justice Center**

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

12 **Civil Law Self-Help Center**

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

18 www.CivilLawSelfHelpCenter.org
19 e-mail: clshcinfo@lascn.org
Telephone: (702) 671-3976

20 Before re-opening to provide services to the public, the Civil Law Self-Help Center has
21 agreed to develop protocols to include methods of limiting waiting times for services, observing
22 social distancing, and sanitation measures.

23 **Traffic**

24 Due to the limited capacity at the Regional Justice Center as a result of social distancing,
25 the Las Vegas Justice Court and Las Vegas Municipal Court traffic customer service counter
26 located on the first floor of the Regional Justice Center should remain closed until social
27 distancing restrictions are lifted. Traffic-related matters should be conducted by telephone, video
28 or other remote electronic means.

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FINAL PROVISIONS

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

Dated this 11th day of March, 2021



4BB 281 C9FA 33A8
Linda Marie Bell
District Court Judge



James W. Hardesty
Chief Justice
Nevada Supreme Court

DISTRICT COURT EMAILS FOR PROPOSED ORDERS

***SUBMIT ALL DOCUMENTS AS EMAIL ATTACHMENTS IN BOTH WORD AND .PDF ***

CIVIL/CRIMINAL DIVISION

Dept. 1 DC1Inbox@ClarkCountyCourts.us
Dept. 2 DC2Inbox@ClarkCountyCourts.us
Dept. 3 DC3Inbox@ClarkCountyCourts.us
Dept. 4 DC4Inbox@ClarkCountyCourts.us
Dept. 5 DC5Inbox@ClarkCountyCourts.us
Dept. 6 DC6Inbox@ClarkCountyCourts.us
Dept. 7 DC7Inbox@ClarkCountyCourts.us
Dept. 8 DC8Inbox@ClarkCountyCourts.us
Dept. 9 DC9Inbox@ClarkCountyCourts.us
Dept. 10 DC10Inbox@ClarkCountyCourts.us
Dept. 11 DC11Inbox@ClarkCountyCourts.us
Dept. 12 DC12Inbox@ClarkCountyCourts.us
Dept. 13 DC13Inbox@ClarkCountyCourts.us
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Dept. 28 DC28Inbox@ClarkCountyCourts.us
Dept. 29 DC29Inbox@ClarkCountyCourts.us
Dept. 30 DC30Inbox@ClarkCountyCourts.us
Dept. 31 DC31Inbox@ClarkCountyCourts.us
Dept. 32 DC32Inbox@ClarkCountyCourts.us

Discovery

DiscoveryInbox@ClarkCountyCourts.us

ADR

ADRInbox@ClarkCountyCourts.us

Probate

ProbateInbox@ClarkCountyCourts.us

FAMILY DIVISION

Dept. A DEPTAInbox@ClarkCountyCourts.us
Dept. B DEPTBInbox@ClarkCountyCourts.us
Dept. C DEPTCInbox@ClarkCountyCourts.us
Dept. D DEPTDInbox@ClarkCountyCourts.us
Dept. E DEPTEInbox@ClarkCountyCourts.us
Dept. F DEPTFInbox@ClarkCountyCourts.us
Dept. G DEPTGInbox@ClarkCountyCourts.us
Dept. H DEPTHInbox@ClarkCountyCourts.us
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Dept. K DEPTKInbox@ClarkCountyCourts.us
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Dept. M DEPTMInbox@ClarkCountyCourts.us
Dept. N DEPTNInbox@ClarkCountyCourts.us
Dept. O DEPTOInbox@ClarkCountyCourts.us
Dept. P DEPTPInbox@ClarkCountyCourts.us
Dept. Q DEPTQInbox@ClarkCountyCourts.us
Dept. R DEPTRInbox@ClarkCountyCourts.us
Dept. S DEPTSInbox@ClarkCountyCourts.us
Dept. T DEPTTInbox@ClarkCountyCourts.us
Dept. U DEPTUInbox@ClarkCountyCourts.us
Dept. V DEPTVInbox@ClarkCountyCourts.us
Dept. W DEPTWInbox@ClarkCountyCourts.us
Dept. X DEPTXInbox@ClarkCountyCourts.us
Dept. Y DEPTYInbox@ClarkCountyCourts.us
Dept. Z DEPTZInbox@ClarkCountyCourts.us

TPO

TPOInbox@ClarkCountyCourts.us

Child Support

ChildSupportInbox@ClarkCountyCourts.us

Civil Commitment

CivilCommitmentInbox@ClarkCountyCourts.us

FILED

JUN - 4 2021

Sharon A. Shuman
CLERK OF COURT

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

**IN THE ADMINISTRATIVE MATTER
REGARDING ALL COURT OPERATIONS IN
RESPONSE TO COVID-19.**

Administrative Order: 21-04

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

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

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

The Nevada Constitution provides in Article 3 §1 that, "The powers of the Government of the State of Nevada shall be divided into three separate departments, - the Legislative, - the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging 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.

SAFETY AND PRECAUTIONS

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

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

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

Screening Protocols

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

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

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

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Appearances by Alternative Means

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

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

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

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

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 **Social Distancing**

2 Social distancing requirements are being eliminated by Clark County on June 1, 2021. The
3 current three-foot social distancing requirements set by Clark County will remain in effect until
4 that date.

5 Even with the elimination of social distancing requirements, all District Court Judges are
6 encouraged to manage courtrooms to allow comfortable space between people in the courtroom –
7 for example, having the public sit in every other seat, or spacing jury chairs out to allow the
8 maximum amount of space between jurors.

9 **GENERAL PROVISIONS**

10 **Attorney Obligations**

11 Attorneys, as officers of the Court, have ethical obligations for cooperative civility under
12 normal circumstances. This Court, under the present circumstances, reminds attorneys that they
13 have an obligation to cooperate with the Courts and one another as we all navigate these
14 challenging circumstances. This is not the time to press for unwarranted tactical advantages,
15 unreasonably deny continuances or other accommodations, or otherwise take advantage of the
16 challenges presented due to the current pandemic. Lawyers are expected to be civil, professional,
17 and understanding of their colleagues, parties and witnesses who are ill or otherwise unable to
18 meet obligations because of the current restrictions.

18 **Re-Opening of the Clerk's Office to In-Person Filing**

19 The Civil/Criminal Clerk's Office and the Family Clerk's Office will both be open to
20 provide in-person services Mondays through Friday, 9:00 a.m. to 4:00 p.m. Litigants are
21 encouraged to file electronically without a personal visit to the Clerk's Office when at all possible.
22 For litigants who do not have the ability to electronically file documents, documents may be mailed
23 to the following addresses:

24 District Court Civil/Criminal Division
25 Attn: Clerk's Office
26 Regional Justice Center
27 200 Lewis Ave.
28 Las Vegas, NV 89155

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.

///

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
prior to the expiration of the time to serve.

15 **Summonses and Certified Copies**

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

20 **Trials**

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

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

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 Judges
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
is not responsible for issues on the witness's side.

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

11 **Guilty Pleas**

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

17
18 On page ____ of the plea agreement your attorney has signed your name with a
19 notation that they signed it at your direction. Is that correct?

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

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

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

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

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

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**

18
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.
26
27
28

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.

 ///

1 **Court-Ordered Admissions to Mental Health Facilities**

2 Hearings regarding court-ordered admissions to mental health facilities pursuant to NRS
3 432B.607 et. seq. may be held by alternative means.

4 **Child Haven and Parent Visitation**

5 Placements at Child Haven should be strongly discouraged. Out-of-state visitation will be
6 allowed unless the Court determines that visitation poses a health risk to the child. Visitation at
7 Child Haven and parental visitation of children in foster care may proceed if precautions are taken
8 to ensure the safety of the child and the well-being of others in the home in which the child resides.
9 The Division of Family Services is directed to create policies for visitation given the current
circumstances.

10 **Timely Filing of Orders**

11 Judicial departments will be responsible for timely filing orders from hearings. The
12 Division of Family Services will electronically upload orders for the Court for review and the
13 judicial departments will be responsible for reviewing and filing orders in a timely manner to
14 prevent disruption of federal funding.

15 **JUVENILE DELINQUENCY CASES**

16
17 All juvenile delinquency matters will proceed. Audiovisual appearances should be used
18 whenever possible for proceedings other than trials. No in-custody juvenile who is hospitalized,
19 isolated, or quarantined will be transported to court or appear for a court proceeding. Those
20 matters are to be continued until the juvenile is no longer under any hospitalization, isolation, or
21 quarantine. No juvenile matter may proceed without the juvenile present either in person or by
22 alternative means. If the juvenile is unavailable, the matter will be continued.

23 Juvenile delinquency trials should go forward in person. District Court Judges should, to
24 the extent possible, accommodate requests to appear by alternative means for any attorney, party
25 or witness who is considered a vulnerable person under current CDC guidelines or to appear by
26 alternative means for any other reason deemed appropriate by the court. During bench trials, all
27 participants in the trial, including the judge and court staff, must wear face coverings at all times.
28

1 **Signatures on Juvenile Written Admissions**

2 In order to ensure the rights of juveniles are being protected while the court allows
3 appearances by alternative means, all admissions must be in writing and include an
4 acknowledgment of rights and an acknowledgment of the standard terms and conditions of
5 probation or parole. Written admissions must be signed by the juvenile or signed by the juvenile's
6 attorney and be e-filed and accepted by the court.

7 If the juvenile is unable to personally sign the written admission due to coronavirus
8 precautions, the written admission shall be signed by counsel in the following manner:

9 Signature affixed by (insert name of defense counsel) at the direction of
10 (insert name of defendant). The judge shall make a record that because of
11 COVID-19 precautions that the defendant was unable to physically sign
 the [admission].

12 The defendant shall be canvassed by the judge taking the plea as follows:

13 On page [say page number] of the [admission] your attorney has signed your
14 name with a notation that they signed it at your direction. Is that correct?

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

16 Before directing your attorney to sign for you, did you read the [admission] and
17 talk to your attorney about the terms of [probation or parole]?

18 Did you discuss that your attorney signing your name at your direction will be
19 treated the same as if you actually signed the [admission]?

20 Did you knowingly, willingly, and voluntarily direct your attorney to sign this
21 [admission] on your behalf?

22 Do you agree to have the signature placed on the [admission] by your attorney to
23 be treated the same as if you signed the [admission]?

24 **PROBATE**

25
26 Probate hearings on the Probate Commissioner's calendar that are opposed or require a
27 hearing shall go forward and be heard by alternative means unless the Probate Commissioner
28

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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COURT FACILITIES

Family Court and Services Complex

Family Law Self-Help Center

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

www.FamilyLawSelfHelpCenter.org

e-mail: flshcinfo@lascn.org

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

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

Family Mediation Center

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

Donna's House Central

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

Court Appointed Special Advocate Program

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

FILED

JAN 12 2022

Thomas A. Spivey
CLERK OF COURT

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

IN THE ADMINISTRATIVE MATTER OF
PAUSING JURY TRIALS THAT ARE
EXPECTED TO TAKE LONGER THAN A
CALENDAR WEEK IN RESPONSE TO
COVID-19.

Administrative Order: 22-02

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

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

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

On July 16, 2021, the Southern Nevada Health District recommended that both unvaccinated and vaccinated people wear masks in crowded indoor public places where they may have contact with others who are not fully vaccinated. This recommendation is in response to the rise in COVID-19 cases and the increased positivity rate in our community. Clark County

1 is also reverting to its previous mask requirements and is now requiring all Clark County
2 employees to wear a mask when in common or public areas in Clark County facilities.

3 The Nevada Constitution provides in Article 3 §1 that, "The powers of the Government
4 of the State of Nevada shall be divided into three separate departments, - the Legislative, - the
5 Executive and the Judicial; and no persons charged with the exercise of powers properly
6 belonging to one of these departments shall exercise any functions, appertaining to either of the
7 others, except in the cases expressly directed or permitted in this constitution." The Nevada
8 Supreme Court has also found that "In addition to the constitutionally expressed powers and
9 functions of each Department, each (the Legislative, the Executive, and the Judicial) possess
10 inherent and incidental powers that are properly termed ministerial. Ministerial functions are
11 methods of implementation to accomplish or put into effect the basic function of each
12 Department." Galloway v. Truesdell, 83 Nev. 13, 21, 422 P.2d 234, 237 (1967).

13 The judicial power is vested in the state Court system comprised of the Nevada Supreme
14 Court, the Nevada Court of Appeals, District Courts, Justice Courts and Municipal Courts. Nev.
15 Const. art. VI, §1. The Nevada Constitution expressly recognizes the Chief Justice as the
16 administrative head of the Court system. Nev. Const. art. VI §19. By expressly identifying the
17 Chief Justice as the Court system's administrative leader, the Chief Justice has "inherent power
18 to take actions reasonably necessary to administer justice efficiently, fairly, and economically."
19 Halverson v. Hardcastle, 123 Nev. 245, 260, 163 P.3d 428, 439 (2007). Consequently, the
20 Nevada Supreme Court, "through the Chief Justice, has the ultimately authority over the
21 judiciary's inherent administrative functions." Id. at 260, 163 P.3d at 439.

22 Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court charges the
23 Chief Judge of the Eighth Judicial District Court with various responsibilities, including
24 supervising the administrative business of the District Court, ensuring the quality and continuity
25 of Court services, supervising the Court calendar, reassigning cases as convenience or necessity
26 requires, assuring the Court's duties are timely and orderly performed, and otherwise facilitating
27 the business of the District Court.

28 During the COVID-19 pandemic, the District Court, in consultation with the Nevada
Supreme Court, concurred with the Governor and exercised its ministerial judicial powers. On an
emergency basis, the District Court entered Administrative Orders 20-01 through 20-14; 20-16;

1 20-17; 20-22 through 20-24; 21-01; 21-03 through 21-05; and 21-09. These Orders changed
2 Court procedures to minimize person-to-person contact and mitigate the risk associated with the
3 COVID-19 pandemic, while continuing to provide essential Court services.

4 This order continues the District Court's response to the COVID-19 pandemic.

5 The Eighth Judicial District Court is committed to conducting jury trials safely, timely,
6 and in an efficient manner. See In re Jury Trial Settings, Continuances, Calendar Call And Civil
7 Reassignment Calendar, Admin. Ord. 21-09 (Dec. 30, 2021),
8 [http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-04_03_59_57_administrative%20order%2021-09.pdf)

9 04_03_59_57_administrative%20order%2021-09.pdf. With the recent surge in COVID-19 cases
10 in Clark County, it has become challenging for the court to complete lengthy jury trials. The
11 disruption of trials raises concerns about potential mistrials, increased cost to litigants, and
12 unnecessary inconvenience to jurors. At the same time, the Court is aware of the importance of
13 continuing to conduct trials when possible. Therefore, jury trials that are expected to take longer
14 than a calendar week are paused for 30 days from the date this order is filed. Jury trials that can
15 be completed within a calendar week should move forward under the COVID-19 Jury Trial Plan
16 and AO 21-09.

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FILED
FEB 10 2022


CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF
RESCINDING AO 21-05 AND AO 22-02 IN
RESPONSE TO COVID-19.

Administrative Order: 22-04

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

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

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

On July 16, 2021, the Southern Nevada Health District recommended that both unvaccinated and vaccinated people wear masks in crowded indoor public places where they may have contact with others who are not fully vaccinated. This recommendation is in response to the rise in COVID-19 cases and the increased positivity rate in our community. Clark County is also reverting to its previous mask requirements and is now requiring all Clark County employees to wear a mask when in common or public areas in Clark County facilities.

1 On February 10, 2022, Governor Sisolak rescinded Nevada's mask mandate effective
2 immediately. State of Nevada, Executive Department, Declaration of Emergency, Directive 052
3 (2022). Masks are no longer required in public places. The Governor cited recent metrics
4 showing a rapid decline in COVID-19 cases, hospitalizations, a drop in COVID-19 detected in
5 wastewater, broader availability of testing, and an increase in available treatment for members of
6 the public.

7 The Nevada Constitution provides in Article 3 §1 that, "The powers of the Government
8 of the State of Nevada shall be divided into three separate departments, - the Legislative, - the
9 Executive and the Judicial; and no persons charged with the exercise of powers properly
10 belonging to one of these departments shall exercise any functions, appertaining to either of the
11 others, except in the cases expressly directed or permitted in this constitution." The Nevada
12 Supreme Court has also found that "In addition to the constitutionally expressed powers and
13 functions of each Department, each (the Legislative, the Executive, and the Judicial) possess
14 inherent and incidental powers that are properly termed ministerial. Ministerial functions are
15 methods of implementation to accomplish or put into effect the basic function of each
16 Department." Galloway v. Truesdell, 83 Nev. 13, 21, 422 P.2d 234, 237 (1967). The judicial
17 power is vested in the state Court system comprised of the Nevada Supreme Court, the Nevada
18 Court of Appeals, District Courts, Justice Courts and Municipal Courts. Nev. Const. art. VI, §1.

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

25 During the COVID-19 pandemic, the District Court, in consultation with the Nevada
26 Supreme Court, concurred with the Governor and exercised its ministerial judicial powers. On
27 an emergency basis, the District Court entered Administrative Orders 20-01 through 20-14; 20-
28 16; 20-17; 20-22 through 20-24; 21-01; 21-03 through 21-05; 21-09, and 22-02. These Orders
changed Court procedures to minimize person-to-person contact and mitigate the risk associated
with the COVID-19 pandemic, while continuing to provide essential Court services.

1 This order continues the District Court's response to the COVID-19 pandemic.
2 Administrative Order 21-05, which reinstated face coverings, is rescinded. And Administrative
3 Order 22-02, which paused lengthy jury trials, is rescinded. The operative Administrative Orders
4 are 21-04, as modified below, and 21-09 regarding all court operations in response to COVID-
5 19.

6 Consistent with Declaration of Emergency Directive 052, this order strikes the mask
7 requirements found in AO 21-04. District Court Administration shall monitor Nevada OSHA's
8 guidance and take appropriate action in providing a safe and healthy workplace for all our
9 employees and the public we serve. District Court Administration shall further review screening
10 protocols at the entrances of all District Court facilities and the COVID-19 Jury Trial Plan in
11 light of Emergency Directive 052.

12 Although masks are no longer required, there may be circumstances in which it is prudent
13 to wear masks, and this order does not prevent any individual from wearing a mask. And no
14 individual may be asked to remove a mask except briefly for identification purposes at trial. See,
15 e.g., In re Modifying Guardianship Procedures And Assignment Of Minor's Compromise
16 Proceedings, Admin. Ord. 22-01 (Jan. 6, 2022), [http://www.clarkcountycourts.us/res/rules-and-](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-07_09_21_57_administrative%20order%202022-01.pdf)
17 [orders/2022-01-07_09_21_57_administrative%20order%202022-01.pdf](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-07_09_21_57_administrative%20order%202022-01.pdf) (stating guardianship
18 proceedings involve vulnerable populations with underlying medical conditions).

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

21 Dated this 10th day of February, 2022

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23 6F8 958 4F00 3D09
24 Linda Marie Bell
25 District Court Judge
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1 Additionally, due to staffing shortages and to reduce the potential spread of infection,
2 appearances by alternative means are required of all lawyers and litigants, in all case types with
3 the exception of bench and jury trials, in-custody defendants appearing in the Lower Level
4 Arraignment Courts. For trials, District Court Judges should, to the extent possible,
5 accommodate requests to appear by alternative means. For proceedings other than trials, no in-
6 person appearance shall be made unless the assigned District Court Judge or Hearing Master
7 determines that there is an extraordinary circumstance requiring a personal appearance.

8 This order takes effect upon filing and shall expire 30 days from the date this order is
9 filed.

Dated this 12th day of January, 2022

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11 _____
12 C4B DBF E3FF 5A43
13 Linda Marie Bell
14 District Court Judge

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16 Ron D. Parraguirre
17 Chief Justice
18 Nevada Supreme Court