# FILED JUN - 1 2020



# EIGHTH JUDICIAL DISTRICT COURT CLARK COUNTY, NEVADA

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

Administrative Order: 20-17

б

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

Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court charges the Chief Judge of the Eighth Judicial District Court with various responsibilities, including 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 untimely and orderly performed, and otherwise facilitating the business of the district Court.

Following the March 12, 2020 Declaration of Emergency, the District Court, in consultation with the Nevada Supreme Court, concurred with the Governor and exercised its ministerial judicial powers. The District Court entered Administrative Orders 20-01 through 20-14 and 20-16 on an emergency basis. 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.

Since March 12, 2020, the Governor has reopened essential and non-essential businesses with certain protections in place. As our State enters Phase 2 of recovery, in order to ensure access to justice and to prevent an excessive backlog of cases, the District Court will begin hearing all cases. At the same time, the safety of the public and Court staff remains a priority. This order, entered jointly with the Chief Justice of the Nevada Supreme Court provides for continued extensive use of alternative means appearances, social distancing protocols, and mask-wearing to allow the business of the Court to go forward safely.

For purposes of clarity and to avoid confusion, this order supersedes AO 20-01 through 20-13 and 20-16. 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 June 1, 2020.

#### SAFETY AND PRECAUTIONS

Governor Sisolak's May 7, 2020 Declaration of Emergency Directive 018 directs employers to take proactive measures to ensure compliance with social distancing and sanitation guidelines and to follow guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA). The Governor reiterated these principles in Directive 021§§12-16.

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

- (1) Encourage customers to cover their noses and mouths with face coverings;
- (2) Continue to encourage telework, whenever possible and feasible with business operations;
- (3) Return to work in phases;
- (4) Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols;
- (5) Strongly consider special accommodations for personnel who are members of a vulnerable population;
- (6) Encourage employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms, for example, fever, cough or shortness of breath;
- (7) Practice hand hygiene;

- (9) Implement separate operating hours for vulnerable populations;
- (10) Provide signage advising the public of appropriate social distancing within the facility, including six feet of social distancing from other individuals; and
- (11) Provide readily available hand sanitizer or other sanitizing products for employees and customers.

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

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 change many of our ordinary practices 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 is 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 who have traveled out of the country in the past 14 days or who reside with someone who has traveled out of the country in the past 14 days;
- (2) Persons who have been asked to self-quarantine by any doctor, hospital, or health agency;

(3) Persons who have been diagnosed with coronavirus and not medically cleared or persons who have had contact in the past 14 days with anyone diagnosed with coronavirus and not medically cleared; or

(4) Persons with unexplained fever, cough, or shortness of breath.

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

District Court Administration will also maintain a customer service number in cooperation with the Las Vegas Municipal Court and Las Vegas Justice Court to assist all persons unable to enter the Court facility because of exposure or illness. If a person is unable to appear in Court because of the restrictions, that person may call 702-455-4472 to speak to a 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

During this time, due to restrictions on the entrants to the Court facilities and to reduce the potential for spread of infection, appearances by alternative means are strongly encouraged whenever possible. This includes all case types. Unless exceptional circumstances exist, District Court Judges should 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.

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 is also favored as it aids communication and produces a better record.

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

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

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

For criminal cases, juvenile dependency cases, and juvenile delinquency cases all appearances by alternative means for attorneys and out-of-custody defendant must be through BlueJeans video unless for technical reasons a phone conference is necessary. Attorneys appearing by video, or having clients/witnesses/agency representatives/probation officers appear by alternative means, must notify the department via e-mail at least one judicial day before the

appearance. In juvenile cases, parents or guardians may provide their e-mail addresses to the juvenile's attorney to arrange for the appearance. The e-mail to the department must include the case number for the proceeding and the names and e-mail addresses for each person appearing by video. This will allow the department to send a link to appear via video. If arrangements need to be made on shorter notice due to an emergency, the judicial department must be contacted by phone.

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 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 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.

#### Meetings

Meeting by telephone, teleconference, videoconference or e-mail remains highly preferred. To protect judicial resources and prevent the spread of illness among members of the Court, counsel, staff, public and community partners, there shall be no in-person gatherings or meetings to discuss Court business of more than 50 people. This includes judges meetings; executive committee meetings; division judges meetings; bench-bar meetings; any meetings with community partners; specialty Court staffing; specialty Court graduations; administrative department meetings; continuing education meetings; meetings of judges, hearing masters and/or staff within a particular case assignment. Any in-person meeting must observe social distancing and mask requirements. No food or beverages may be served at in-person meetings.

#### **Policies**

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

#### **Social Distancing**

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

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

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

#### **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.

#### Clerk's Office Remains Closed to In-Person Filing

For the safety of the clerks and to minimize building traffic, the Clerk's Offices at both the Regional Justice Center and the Family Court will remain closed to in-person filing until further notice. Filings must be completed electronically. For litigants who do not have the ability to electronically file documents, documents may be mailed as follows:

 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

The Clerk's Office shall maintain a safety protocol for clerks tasked with opening mail and handling paper documents.

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

#### Continuances

The continuance of any trial or evidentiary hearing will be considered on a case-by-case basis. Attorneys may have difficulty obtaining witnesses or being prepared for evidentiary proceedings in the period immediately following the duration of the administrative orders relating to COVID-19. Continuances should be granted to allow time for preparation or to obtain witnesses. Judges will need to examine the merits of any application for a continuance, balancing the consequences of a delay in the proceedings and the constraints placed on attorneys and litigants to prepare for a trial or evidentiary hearing.

#### **Courtesy Copies**

No paper courtesy copies of any documents filed in Odyssey may be sent to the Court for any case type. Judges are strongly discouraged from requesting electronic courtesy copies from parties due to the burden it places on the system as a result of additional storage required. This does not preclude a judge from asking for a word version of a submitted order that requires significant editing. To reduce the potential spread of infection through paper and to reduce Court operating costs, judges are strongly discouraged from having documents printed from Odyssey to read.

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

#### Depositions

In-person depositions may go forward effective July 1, 2020 as long as social distancing protocols are observed. Until that date, no in-person depositions shall proceed except on stipulation or order obtained after filing a motion demonstrating good cause for the need for an in-person deposition. Deposition by alternative means is the preferred method of handling depositions. 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 despondent. See SCR Part IX-B(A) and (B) Rule 9.

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

#### Discovery (Civil and Domestic)

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

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

Beginning July 1, 2020, Rule 35 examinations may be scheduled as medical providers are available. Parties may agree to schedule the Rule 35 exam sooner. Parties may also file a motion with the Discovery Commissioner demonstrating good cause to proceed forward with a Rule 35 examination. Good cause includes an emergency such as imminent destruction or loss of evidence. The motion shall also include protocols for ensuring the safety of the examiner and an affidavit from the medical provider indicating that the provider is able to conduct the

examination following those protocols. Any issues with scheduling or health concerns of the party to be examined should be addressed with the Discovery Commissioner.

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

#### **Electronic Service**

All lawyers and self-represented litigants are required to register for electronic service and update any change of e-mail address with the Court. In the limited circumstance where a 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.

#### Hearings

At this time, hearings of all sorts in all case types should go forward. Except as provided in this order, all District Court non-evidentiary hearings must be conducted by video or telephonic means or decided on the papers unless otherwise directed by a District Court Judge. Cases should be rescheduled at the request of parties or counsel due to issues caused by the COVID-19 pandemic including witness unavailability, inability to obtain documents or other good cause.

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

#### **Original Signature Requirements**

With the exception of documents requiring the signature of a notary, an electronic signature will be considered an original signature. All documents filed with the Court may be electronically signed as provided in the Nevada Electronic Filing and Conversion Rules, Rule 11(a). All documents requiring a signature of another person may be electronically signed; however, the party submitting the document must obtain e-mail verification of the other person's

agreement to sign electronically. That verification must be embedded in the document or attached as the last page of the document.

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

#### **Proposed Orders**

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

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

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

Documents not properly submitted may be returned.

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

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

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

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

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

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

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

Deadlines for initial disclosures, disclosure of expert witnesses and testimony, supplementation of discovery, pre-trial disclosures, and filing of case conference reports will no longer be stayed as of July 1, 2020. Requests to continue deadlines should be filed with the assigned District Court Judge.

#### Settlement Conferences (Civil, Criminal and Family Divisions)

In order to assist with the backlog of trials, judicial settlement conferences are encouraged. Settlement conferences may be held by alternative means. If the settlement conference is not held by alternative means, the judge and attorneys must develop a social distancing plan prior to the settlement conference. All participants must wear masks that cover their noses and mouths.

Civil and Family Division settlement conference programs will resume on July 1, 2020. Settlement briefs and supporting exhibits must be submitted electronically. Counsel may also contact individual judges to request settlement conferences or reach out to the assigned departments to submit a request for a senior judge to conduct a settlement conference.

Criminal Division settlement conferences will resume on June 1, 2020. Requests for settlement conferences should be submitted via e-mail on the settlement conference form to the Chief Judge. The form must be completely filled out or the conference will not be set. Incustody criminal settlement conferences will be scheduled to take place in the Lower Level

 Arraignment courtroom. Priority will be given to trials where the defendant is in-custody and has invoked speedy trial rights and to older homicide cases.

#### Specialty Courts (All Divisions)

All status hearings should go forward by alternative means unless a judge or hearing master determines that extraordinary circumstances warrant a personal appearance. For Criminal Division Specialty Court matters in-custody participants will continue to be heard together on Fridays at noon. No jail or community service sanctions will be imposed by any specialty court program for non-compliance. This does not prevent arrest of a participant who is on probation for a probation violation. This also does not preclude a participant from being placed on electronic monitoring; however, with the exception of felony DUI participants in the first six months of the program who lack the current ability to self-pay, no Specialty Court participant may be placed on CCDC house arrest. The Court will work with the treatment providers to continue to provide treatment while balancing the safety of the participants and treatment provider staff.

#### Sealed Documents

If a party is requesting a document be sealed, the party must file a motion to file the document under seal. The party should separately file the document to be sealed, using the code TSPCA (Temporarily Sealed Pending Court Approval). The judge will review the motion and determine whether the document should be filed under seal. Failure to properly submit a motion 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.

#### **Service of Process**

The Court recognizes that accomplishing personal service may continue to pose significant challenges at this time given that many businesses are closed or operating on a limited capacity. Properly documented service issues related to the COVID-19 pandemic will be considered good cause for a timely motion to extend service of process. For service issues between March 13, 2020 and June 30, 2020, good cause exists regardless of whether the motion

 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.

#### Summonses and Certified Copies

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

#### Trials

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

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

Beginning the week of June 1, the Jury Commissioner will begin summonsing jurors for jury trials. To maintain social distancing and juror safety, one panel of jurors will be summonsed per day for District Court. The Jury Commissioner is to include health and safety information in the jury summons, including social distancing and mask requirements. District Court Jury selection will take place in the Jury Services Room. The District Court will prioritize trials, beginning with criminal cases involving interstate compact issues and criminal cases in which the defendant has invoked speedy trial rights. After those cases, the priority will be civil cases with preferential trial settings; older in-custody criminal cases; and older civil cases, particularly those with NRCP 41(e) timeline concerns.

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

Jury questionnaires will be sent, completed, returned and distributed to the Court and counsel electronically. If a juror cannot complete a questionnaire by electronic means, the

questionnaire will be mailed to the juror with a self-addressed and stamped return envelope.

Once Jury Services receives the questionnaire back, it will be scanned and distributed with the other questionnaires.

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.

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

#### Writs of Execution and Writs of Garnishment

Writs of execution and garnishment have been stayed by the Governor's Directive 017 §1-2. No new writs of execution or garnishment may be issued while the stay is in place. The stay does not apply to child support, spousal support, or criminal restitution. Any change or termination of that directive will be determined by the Governor.

#### **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 will expire 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**

Residential and small business evictions and judicial foreclosures have been stayed by the Governor's Directive 008 (Revised) §1, with certain exceptions. Any change or termination of that directive will be determined by the Governor.

#### Response Time for Offers of Judgment

The tolling of time to respond to offers of judgment submitted pursuant to NRCP 68 will end July 1, 2020. Parties will have 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 and communicating with their clients. These potential difficulties should be addressed and taken into consideration when issuing NRCP 16 scheduling orders.

#### Statutes of Limitation; Medical Malpractice Cases

Statutes of limitation have been tolled by the Governor's Directive 009 (Revised) §2. Any change or termination of that directive will be determined by the Governor. Attorneys and litigants should be aware the District Court is unable to waive jurisdictional requirements for expert affidavit requirements in medical malpractice cases should counsel choose to file a complaint during this time or for requests for trial de novo.

Stay of Cases

A complete stay of civil cases will be considered on a case-by-case basis. A stay of any case, or a continued stay of any case, should be liberally considered at this time based on COVID-19 issues.

#### Subpoenas

Attorneys must obtain advance approval of the discovery commissioner to issue subpoenas under NRCP 45

#### **Short Trial Program**

Due to the lack of available juror resources, short jury trials set in the next 90 days must be rescheduled. Short bench trials may proceed, preferably using alternative means to the extent possible.

#### CRIMINAL MATTERS

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

#### **Certified Copies**

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

#### **Grand Jury**

All three grand juries will begin hearing cases the week of June 1. The current A Grand Jury will remain in place through July 15. The incoming prospective A Grand Jurors will be summonsed to Jury Services on Tuesday, June 30th for selection at 2:00 p.m. Also, based on the

request of the District Attorney's Office, the 2018C Grand Jury will be recalled beginning Friday, July 10 and will meet every Friday thereafter until excused by the Court to allow the District Attorney's Office the opportunity to continue presentation of matters previous heard by that Grand Jury. No new matters may be presented to the recalled Grand Jury.

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

All Grand Juries will meet in the 17A Courtroom, which will be marked to provide for social distancing of grand jurors, witnesses, court reporter, and attorneys. All Grand Jurors, witnesses present in the Courtroom, attorneys, and the court reporter will be required to wear face coverings covering their nose and mouth while in the RJC and throughout the grand jury proceedings. No food or beverages will be permitted in the Courtroom.

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

During the current COVID-19 pandemic, good cause exists to allow witnesses to appear before the grand jury via audiovisual technology. In order for a witness to appear by alternative means, the State must notify the Chief Judge's department two judicial days prior to the proceeding. The State will provide the time of the witness's testimony and the name, telephone number and e-mail address of the witness to allow a BlueJeans link to be sent to the witness. 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.

Grand jury returns will take place at the end of each day to prevent the Grand Jury Forepersons from having to re-enter the Regional Justice Center.

#### **Guilty Pleas**

When the defendant is unable to provide a signed copy of the guilty plea due to appearance by alternative means, the guilty plea shall be signed by by counsel in the following manner: "Signature affixed by (insert name of defense counsel) at the direction of (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 guilty plea agreement. The defendant shall be canvassed by the judge taking the plea as follows:

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

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

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

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

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?

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

#### In-Custody Appearances

All in-custody defendants will appear by video to the assigned judicial departments for law and motion calendars. Arraignments, competency, and in-custody specialty court matters will continue to be heard in the lower-level arraignment Courtroom. Except for jury trials, no defendant will be transported to a District Court courtroom absent extraordinary circumstances. Due to limited access to alternative appearances, evidentiary hearings or lengthy sentencings for in-custody defendants should be coordinated through the Chief Judge's office. Also, no

 defendant who is in isolation pursuant to Detention Services protocol will be brought for any court appearance.

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

#### **Out-of-Custody Appearances**

Due to the limited capacity of the Regional Justice Center at this time, out-of-custody defendants must appear by alternative means whenever possible, including for entry of plea, 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 revocation is being sought, sentencings where the negotiation contemplates a prison or jail sentence, trials, and for any matter where the judge makes an individual determination that the defendant's presence is necessary for the determination of the matter.

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

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

#### DOMESTIC MATTERS

#### Confidential Reports

Notwithstanding the provisions of EDCR 5.203, confidential reports (including custody evaluations, child interviews, brief focus assessments, drug test results, and paternity test results)

 shall be transmitted electronically to retained counsel, subject to the limitations imposed on counsel pursuant to EDCR 5.301 and EDCR 5.304. For self-represented litigants, civil-domestic departments may convey the information contained in the foregoing confidential reports by telephone. The transmittal of this information by telephone shall include, where reasonably practical, the reading of the information to the self-represented litigant. If unusual circumstances exist, the Judge may have the self-represented litigant make a personal appearance to review the report.

#### Motions

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

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

#### **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 is strongly encouraged when possible.

#### Adjudicatory Hearings

Beginning June 1, 2020, time frames under NRS Chapter 432B may be tolled by the assigned District Court Judge for good cause on a case-by-case basis.

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.

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

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

#### Adoptions

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

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

Court-ordered admissions to mental health facilities pursuant to NRS 432B.607 et. seq. may be held by alternative means.

#### Child Haven and Parent Visitation

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

#### **Timely Filing of Orders**

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

#### JUVENILE DELINQUENCY CASES

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

#### Signatures on Juvenile Written Admissions

In order to ensure the rights of juveniles are being protected while the court allows appearances by alternative means, all admissions must be in writing and include an acknowledgment of rights and an acknowledgment of the standard terms and conditions of

probation or parole. Written admissions must be signed by the juvenile or signed by the juvenile's attorney and be e-filed and accepted by the court.

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

Signature affixed by (insert name of defense counsel) at the direction of (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].

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

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

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

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

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

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

Do you agree to have the signature placed on the [admission] by your attorney to 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 am 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.

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 FACILITIES**

# 1 2

#### 

# 

# 

# 

# 

## 

#### 

### 

# 

## 

## 

#### 

# 

## 

#### 

# 

#### Family Law Self-Help Center

**Family Court and Services Complex** 

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 begin providing 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. Before re-opening, the Family Mediation Center shall develop 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 may begin providing supervised visitation, supervised custody exchanges and other in-person services by appointment only. Before re-opening, Donna's House shall develop 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.

#### Court Appointed Special Advocate Program

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

#### Regional Justice Center

#### Civil Self-Help Center

The Civil Self-Help Center may begin providing in-person services. The Self Help Center is encouraged to continue to serve as many individuals as possible by phone, e-mail, and other alternative means. Self-represented litigants may obtain help with civil forms, information, evictions and other matters from the Civil Law Self-Help Center:

www.CivilLawSelfHelpCenter.org

e-mail: <a href="mailto:clshcinfo@lascn.org">clshcinfo@lascn.org</a>
Telephone: (702) 671-3976

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

#### Traffic

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

#### 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.

Entered this 1st day of June 2020.

LINDA MARIE BELL

Chief Judge

Eighth Judicial District Court

KRISTINA PICKERING
Chief Justice

Nevada Supreme Court

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
VIDEO FROM	VIDEO FROM CCDC 3B TO COURTROOMS	<b>DURTROOMS</b>			
8:30-10:00	T. JONES In custody via video to 14B	WIESE In custody via video to 14A	T. JONES In custody via video to 14B	WIESE In custody via video to 14A	BELL Sell/Comp Hearings
8:30 – 10:00	KEPHART Out of custody by video/phone 16B	VILLANI Out of custody by video/phone 11A	KEPHART Out of custody by video/phone 16B	VILLANI Out of custody by video/phone 11A	ò
10:15 - 11:45	KEPHART In custody via video to 16B	VILLANI In custody via video to 11A	KEPHART In custody via video to 16B	VILLANI In custody via video to 11A	VILLANI (Homicide) In custody via video to 11A
10:15 – 11:45	T. JONES Out of custody by video/phone 14B	WIESE Out of custody by video/phone 14A	T. JONES Out of custody by video/phone 14B	WIESE Out of custody by video/phone14A	
10:15 – 11:45	ELLSWORTH Out of custody by video/phone 16D	LEAVITT Out of custody by video/phone 14D	ELLSWORTH Out of custody by video/phone 16D	LEAVITT Out of custody by video/phone 14D	
12:00-1:30	ELLSWORTH In custody via video to 16D	LEAVITT In custody via video to 14D	ELLSWORTH In custody via video to 16D	LEAVITT In custody via video to 14D	LEAVITT (Homicide) In custody via video to 14D
12:00 – 1:30	ISRAEL Out of custody by video/phone 15C	E. JOHNSON Out of custody by video/phone 12A	ISRAEL Out of custody by video/phone 15C	E. JOHNSON Out of custody by video/phone 12A	
1:45-3:15	ISRAEL In custody via video to 15C	E. JOHNSON In custody via video to 12A	ISRAEL In custody via video to 15C	E. JOHNSON In custody via video to 12A	HERNDON (Homicide) In custody via video to 16D
1:45 – 3:15	DELANEY Out of custody by video/phone 15B	ADAIR Out of custody by video/phone 11C	DELANEY Out of custody by video/phone 15B	ADAIR Out of custody by video/phone 11C	
3:30 – 5:00	DELANEY In custody via video to 15B	ADAIR In custody via video to 11C	DELANEY In custody via video to15B	ADAIR In custody via video to 11C	ADAIR (Homicide) In custody via video to 11C

	AND STREET	A P Y CA C LALE BOOK			
	MONDAY	TUESDAY	WEDENSDAY	THURSDAY	FRIDAY
8:00 - 10:00	WIESE	BELL	SILVA	T. JONES	BLUTH
ARRAIGNMENT	IN CUSTODY	IN CUSTODY	IN CUSTODY	IN CUSTODY	IN CUSTODY
10:00 - 10:45	WIESE	BELL	SILVA	T. JONES	BLUTH
AKKAIGNMENI	OUT OF CUSTODY	OUT OF CUSTODY	OUT OF CUSTODY	OUT OF CUSTODY	OUT OF CUSTODY
11:00		CRIMINAL SETTLEMENT	CRIMINAL SETTLEMENT		BELL COMPETENCY
12:00					SPECIALTY COURTS
2:00		CRIMINAL SETTLEMENT	CRIMINAL SETTLEMENT		
	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
VIDEO FROM CCD	VIDEO FROM CCDC 5A TO COURTROOMS	MS			
		HOLTHUS		HOLTHUS	
10:15 - 11:45		Out of custody by		Out of custody by	
		video/phone 3F		video/phone 3F	DO NOT
	BLUTH	D. JONES	BLUTH	D. JONES	SET
10:15 - 11:45	In custody via video	In custody via	In custody via video	In custody via	ANYTHING
	ВГОТН	D. JONES	BLUTH	D. JONES	
12 -1:30	Out of custody by	Out of custody by	Out of custody by	Out of custody by	
	video/phone 10C	video/phone 15A	video/phone 10C	video/phone 15A	
		HOLTHUS		HOLTHUS	
12 -1:30		In custody via video to 3F		In custody via	
	SILVA	HARDY	SILVA	HARDY	
1:45 - 3:15	In custody via	In custody via	In custody via	In custody via	
	video to 11B	video to 11D	video to 11B	video to 11D	
1	MILEY	HERNDON	MILEY	HERNDON	
1:45 - 3:15	Out of custody by	Out of custody by	Out of custody by	Out of custody by	
	video/phone 12C	video/phone 16C	video/phone 12C	video/phone 16C	
	MILEY	HERNDON	MILEY	HERNDON	3
3:30 - 5:00	In custody via	In custody via	In custody via	In custody via	
	Video to 12C	Video to 16C	Video to 12C	video to 16C	
00 2	SILVA	HARDY	SILVA	HARDY	
5:50 - 5:00	Out of custody by	Out of custody by	Out of custody by	Out of custody by	