

FILED

APR 17 2020

Alvin J. Blum
CLERK OF COURT

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

IN THE ADMINISTRATIVE MATTER
OF COURT OPERATIONS IN
RESPONSE TO COVID-19

Administrative Order: 20-13

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 Section 501(6) of the Robert T. Stafford 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 putting as much distance between people as possible. Also, Governor Sisolak has directed Nevadans to stay home except to seek or provide essential services.

Article 3, section 1 of the Nevada Constitution provides 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.” “In addition to the constitutionally expressed powers and functions of each Department, each (the Legislative, the Executive, and the Judicial) possesses 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).

1 who are ill or otherwise unable to meet obligations because of the current
2 restrictions.

3 3. Jury Trials Suspended. Jury trials remain suspended and no jurors will be
4 summonsed. Trials will be rescheduled as the court calendar allows, beginning six
5 weeks after this order is expires, is modified or rescinded. Priority will be given to
6 in-custody defendants who have invoked their speedy trial rights. As the court
7 looks toward resuming trials at some point in the future, the health and safety of
8 jurors will be a priority. To that end, Jury Services is directed to develop a policy
9 and system to allow all jury questionnaires to be sent, completed, returned, and
10 distributed to the court and counsel electronically. A mailing process should be
11 developed as an alternative for the rare circumstance when a juror does not have e-
12 mail. Jury Services is also directed to develop policies related to the number of
13 jurors who can reasonably be summonsed while maintaining social distancing,
14 including the maximum number of panels that could be brought in weekly, health
15 and safety information to be included with the jury summonses, and management
16 of prospective jurors in jury services as well as during the jury selection process.

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19 4. Grand Jury. The grand jury will also remain suspended. During this time, the
20 Court requests that the Clark County District Attorney's Office work with the
21 Grand Jury Judge and Jury Services to develop policies to ensure the health and
22 safety of the grand jurors, including social distancing and the ability for witnesses
23 to appear by alternative means when possible.

24 5. Issuance of Summons and Certified Copies. Summonses and certified copies shall
25 be issued by the Clerk's office. A party or lawyer seeking to have the Clerk of
26 Court issue a summons under NRCP 4(b) shall e-file the summons. The filing
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1 code "SEI" must be used for the proper processing of the summons. The Clerk
2 will issue the summons electronically.

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4 6. Service of Summons. The Court recognizes that accomplishing personal service
5 of process may pose significant challenges at this time, given the closure of non-
6 essential businesses and stay-at-home directives. Properly documented service
7 issues related to the COVID-19 pandemic constitute good cause for the extension
8 of time for service pursuant to NRCPP 4(e), whether the motion is made before or
9 after the 120-day service period.

10 7. Electronic Service. All lawyers and self-represented litigants are required to
11 register for electronic service and update any change of e-mail address with the
12 Court. In the limited circumstance where a self-represented litigant does not have
13 an e-mail address, the Clerk's office is directed to assist the self-represented
14 litigant in creating an e-mail address.

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16 8. Proposed Orders. All lawyers and parties shall submit proposed orders to the
17 respective department inboxes. *See* Administrative Order 20-10. NO OTHER E-
18 MAILS MAY BE SENT TO THE DEPARTMENT INBOXES. The subject line
19 of the e-mail must contain the full case number, the filing code, and the case name,
20 in that order. For example: "A- 20-123456-C – ORDR – Smith v. Doe." All
21 documents should be submitted in PDF format. Every order must be submitted as
22 a separate e-mail. If a judge has significant revisions, the department will request
23 a Microsoft Word version of the order from the submitting party for editing
24 purposes. The Court notes here that both Word Perfect and Apple Pages allow
25 documents to be saved in a Word format. NO ADDITIONAL ARGUMENT OR
26 DISCUSSION SHOULD BE INCLUDED IN THE E-MAIL. After the document
27 is submitted, the judge will review the document, affix an electronic signature to
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1 the PDF document, and file the document into the Odyssey system. All
2 documents submitted will be filed by the department and served to all parties
3 registered for electronic service. Parties are responsible for filing the Notice of
4 Entry of Order as well as serving orders by mail to any party who is not registered
5 for electronic service.

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

14 10. Documents Requiring Signature. All documents requiring the signature of another
15 person require the submitting party to obtain e-mail verification of the other
16 person’s agreement to sign electronically. The e-mail must be embedded in the
17 body of the document or attached as the last page of the submitted document.
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19 FAMILY

20 11. Essential Case Types. Essential case types also include emergency child custody
21 hearings, which shall go forward, preferably by alternative means.

22 12. Extensions of Time Deadlines. Pursuant to NRCPP 6(b), the Court recognizes the
23 COVID-19 emergency as constituting “good cause” and “excusable neglect”
24 warranting the extension of time in non-essential civil-domestic case types. This
25 does not apply to the time deadlines that must not be extended under
26 NRCPP 6(b)(2) (motions under NRCPP 50(b), 52(b), 59, and 60 and motions made
27 after NRCPP 54(d)(2) time has expired).
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1 13. Discovery Deadlines. Discovery deadlines, including deadlines for serving
2 responses, pursuant to NRCP 31 (depositions by written questions), NRCP 33
3 (interrogatories to parties), NRCP 34 (producing documents, electronically stored
4 information and tangible things, or entering onto land for inspection or other
5 purposes) and NRCP 36 (requests for admissions) will be tolled from March 18,
6 2020, until thirty days after this order expires, is modified or is rescinded. Even
7 so, the Court encourages discovery to proceed when at all possible. All written
8 discovery shall be exchanged by mail or through electronic means.
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10 14. Rule 35 Examinations. No Rule 35 examination may go forward until 30 days
11 after the period this order is in effect. A party may file a motion demonstrating
12 good cause to proceed forward with a Rule 35 exam. Good cause in this context
13 means an extreme emergency such as imminent destruction of evidence. The
14 motion shall also include protocols for ensuring the safety of the examinee and an
15 affidavit from the medical provider indicating that the provider is able to conduct
16 the examination following those protocols.
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18 15. Depositions. During the period that this order is in effect, no in-person
19 depositions shall proceed except on stipulation or order obtained after filing a
20 motion demonstrating good cause for the need for an in-person deposition.
21 Deposition by alternative means may proceed as provided in NRCP 30(b)(4). The
22 Court interprets NRCP 28(a)(1) and NRCP 30 to allow the deposition officer to be
23 in a separate location from the deponent. *See* SCR Part IX-B(A) and (B) Rule 9.
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25 PROBATE

26 16. Wills. Original wills may be sent by certified or express mail. In lieu of mailing
27 an original will for filing, a photograph (not a scanned copy) of the original will
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1 may be electronically filed with the Court Clerk. The original will shall be
2 submitted to the Clerk within 30 days of the re-opening of the Clerk's Office.

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4 CIVIL

5 17. Extensions of Time Deadlines. Pursuant to NRCP 6(b), the Court recognizes the
6 COVID-19 emergency as constituting "good cause" and "excusable neglect"
7 warranting the extension of time in non-essential civil case types. This does not
8 apply to the time deadlines that must not be extended under NRCP 6(b)(2)
9 (motions under NRCP 50(b), 52(b), 59, and 60 and motions made after NRCP
10 54(d)(2) time has expired).

11 18. Discovery Deadlines. Discovery deadlines, including deadlines for serving
12 responses, pursuant to NRCP 31 (depositions by written questions), NRCP 33
13 (interrogatories to parties), NRCP 34 (producing documents, electronically stored
14 information and tangible things, or entering onto land for inspection or other
15 purposes) and NRCP 36 (requests for admissions) will be tolled from March 18,
16 2020, until thirty days after this order expires, is modified or is rescinded. Even
17 so, the Court encourages discovery to proceed when at all possible. All written
18 discovery shall be exchanged by mail or through electronic means.

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20 19. Rule 35 Examinations. No Rule 35 examination may go forward until 30 days
21 after the period this order is in effect. A party may file a motion with the
22 Discovery Commissioner demonstrating good cause to proceed forward with a
23 Rule 35 exam. Good cause in this context means an extreme emergency such as
24 imminent destruction of evidence. The motion shall also include protocols for
25 ensuring the safety of the examinee and an affidavit from the medical provider
26 indicating that the provider is able to conduct the examination following those
27 protocols.
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1 20. NRCP 25(a)(1). The COVID-19 pandemic poses special challenges for dealing
2 with the death of a party and the timely substitution of a successor or
3 representative. To alleviate those challenges, consistent with NRCP 1, NRCP
4 25(a)(1) is tolled during the period this order is in effect.

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6 21. Depositions. During the period this order is in effect, no in-person depositions
7 shall proceed unless the lawyers stipulate to the deposition or obtain an order from
8 the court after filing a motion demonstrating good cause for the need for an in-
9 person deposition. Deposition by alternative means may proceed as provided in
10 NRCP 30(b)(4). The Court interprets NRCP 28(a)(1) and NRCP 30 to allow the
11 deposition officer to be in a separate location from the deponent. *See* SCR Part IX-
12 B(A) and (B) Rule 9.

13 22. NRCP 41(e). This order shall continue to toll the time for bringing a case to trial
14 for the purposes of NRCP 41(e) for the duration of this order and for a period of
15 30 days after this order expires, is modified or is rescinded by a subsequent order.

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17 23. Court Annexed Arbitration Program. This order shall operate to toll the time
18 counted toward the one-year deadline for any case assigned to the Court Annexed
19 Arbitration Program under NAR 12(B). The tolling shall be from March 17, 2020,
20 until 30 days after this order expires, is modified or is rescinded by a subsequent
21 order.

22 CRIMINAL

23 24. Right to Speedy Trial. The time period of any continuance resulting from the stay
24 of jury trials imposed due to the COVID-19 pandemic shall be excluded for
25 purposes of calculating speedy trial time limits under NRS 178.556(1) and NRS
26 174.511. The Court finds that the pandemic constitutes good cause for the delay
27 and the ends of justice served by delaying the jury trials outweighs the interests of
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1 the parties and the public in a speedy trial. The period of exclusion shall be from
2 March 16, 2020, when the jury trial stay was first imposed through the date six
3 weeks after this order is lifted. When continuing a speedy trial, judges should
4 examine the custody status of the defendant.

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6 25. Guilty Plea Agreements. Guilty pleas and other documents that cannot be
7 physically signed by the defendant must have the specific language: “Signature
8 affixed by (insert name of defense counsel) at the direction of (insert name of
9 defendant).” Defense counsel should then sign their client’s name on the signature
10 line for the defendant.

11 26. Specialty Court. Specialty court participants for any district court specialty court
12 program who are out-of-custody may appear at status checks through alternative
13 means.

14 27. Certified Copies. Certified copies of prior felony convictions for the purpose of a
15 habitual criminal determination shall be electronically filed with the Court prior to
16 sentencing and captioned “Certified Copies of Prior Felony Convictions.” If the
17 seal is contained on the back of a page, that page should be copied and attached to
18 the last page of the conviction.

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20 28. Out-of-custody matters. Out-of-custody criminal guilty pleas and sentencings may
21 proceed by alternative means at the discretion of the judge, keeping in mind the
22 current limited time schedules for handling criminal cases.

23 JUVENILE DEPENDENCY

24 29. Adjudicatory plea hearings held pursuant to NRS 432B.530 in dependency cases
25 should proceed with the parents appearing by alternative means and submitting a
26 written plea agreement. Adjudicatory trials and hearings regarding presumptions
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1 held pursuant to NRS 432B.153, 432B.157, 432B.159 and 432B.555 may also
2 proceed by alternative means at the discretion of the judge.

3 30. Disposition hearings. Disputed dispositions may be heard by video or telephone.
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5 FINAL PROVISIONS

6 31. Duration. This order shall be reviewed no later than every 30 days and shall
7 remain in effect until thirty (30) days following the expiration of the March 12,
8 2020 Governor's Emergency Declaration or until modified or rescinded by a
9 subsequent order, whichever occurs earlier.

10 Entered this 16th day of April 2020.

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13 LINDA MARIE BELL
14 Chief Judge
15 Eighth Judicial District Court
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