

FILED

OCT 21 2020

Alma K. Johnson
CLERK OF COURT

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

IN THE ADMINISTRATIVE MATTER
RELATED TO THE LIMITED RE-OPENING OF
THE CLERK'S OFFICE, JURY TRIALS,
GRAND JURIES, SUBPOENAS, AND
SIGNATURE BLOCK FORMAT IN RESPONSE
TO COVID-19

Administrative Order: 20-22

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 Centers for Disease Control recommends putting as much distance between people as possible 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, (the Legislative, the Executive, and the Judicial) each possesses inherent and incidental powers that are

1 properly termed ministerial. Ministerial functions are methods of implementation to
2 accomplish or put into effect the basic function of each Department.” Galloway v.
3 Truesdell, 83 Nev. 13, 21, 422 P.2d 237, 243 (1967).
4

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

11 Following the March 12, 2020 Declaration of Emergency, the District Court, in
12 consultation with the Nevada Supreme Court, concurred with the Governor and exercised
13 its ministerial judicial powers. The District Court entered Administrative Orders 20-01
14 through 20-14 and 20-16 through 20-17 on an emergency basis. These Orders changed
15 Court procedures to minimize person-to-person contact and mitigate the risk associated
16 with the COVID-19 pandemic, while continuing to provide essential Court services. This
17 order continues the District Court’s response to the COVID-19 pandemic and allows the
18 business of the Court to go forward safely.
19

20 **Limited Re-Opening of the Clerk’s Office to In-Person Filing**

21 Under Administrative Order 20-17, the Clerk’s Offices at both the Regional
22 Justice Center and the Family Court were closed to in-person filing until further notice.
23 Beginning on Monday, October 26, 2020, both Clerk’s Offices will now be open for in-
24 person filing Monday through Thursday, 1:00 p.m. to 4:00 p.m. and on Friday, from 8:00
25 a.m. to 4:00 p.m. Litigants are still encouraged to file electronically. Documents may
26 still be mailed as follows:
27

28 ///

1 District Court Civil/Criminal Division
2 Attn: Clerk's Office
3 Regional Justice Center
4 200 Lewis Ave.
Las Vegas, NV 89155

5 District Court Family Division
6 Attn: Clerk's Office
7 Family Court
8 601 N. Pecos Rd.
Las Vegas, NV 89155

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

11 **Jury Trials**

12 The District Court adopts the attached COVID-19 Jury Trial Plan for safely
13 resuming jury trials. As part of the plan, certain courtrooms have been re-configured to
14 accommodate social distancing and install plexiglass physical dividers. As outlined in
15 Administrative Order 20-17, trials beginning with criminal cases involving interstate
16 compact issues and criminal cases in which the defendant has invoked speedy trial rights
17 will be prioritized. After those cases, the priority will be civil cases with preferential trial
18 settings; older in-custody criminal cases; and older civil cases, particularly those with
19 NRCP 41(e) timeline concerns.
20

21 **Subpoenas**

22 Attorneys no longer must obtain advance approval from the discovery
23 commissioner to issue subpoenas under NRCP 45. The subpoena provision found in AO
24 20-17 is rescinded. Attorneys are reminded to notice and provide a copy of the subpoena
25 to other parties before service under NRCP 45(a)(4)(A). The District Court expects
26 attorneys to cooperate when there are difficulties in obtaining documents due to issues
27 arising from COVID-19.
28

1 **Grand Juries**

2 The three currently existing grand juries will remain and continue to hear cases
3 until further notice.
4

5 **Formatting of Electronic Signature Block for Proposed Orders**

6 Proposed orders sent to a department's inbox as outlined in AO 20-17 need only
7 include a blank line for the judge's signature, e.g. _____. Orders do
8 not need a date, judge's name, or judge's title. Sufficient space should be allowed above
9 and below the signature line for the judge's signature and the electronic stamp including
10 date, title, and name of the judge.

11 **Final Provisions**

12 This order shall be reviewed no later than every 30 days and shall remain in effect
13 until modified or rescinded by a subsequent order.
14

Dated this 21st day of October, 2020

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16
17


18 02A 641 C73B D45E
19 Linda Marie Bell
20 District Court Judge