

1
2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**
4

5 IN THE ADMINISTRATIVE MATTER OF
6 REINSTATING FACE COVERINGS IN
RESPONSE TO COVID-19.

Administrative Order: 21-05

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

12 After an initial reopening of businesses in 2020, on November 11, 2020, Governor
13 Sisolak announced an alarming increase in new COVID-19 cases in Nevada. The Governor
14 requested all individuals to stay in as much as possible, limit gatherings and wear face coverings
15 at all times. Clark County also issued a requirement for employees to wear masks at all times.
16 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.

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

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

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

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

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

26 During the COVID-19 pandemic, the District Court, in consultation with the Nevada
27 Supreme Court, concurred with the Governor and exercised its ministerial judicial powers. On an
28 emergency basis, the District Court entered Administrative Orders 20-01 through 20-14; 20-16;
20-17; 20-22 through 20-24; 21-01; 21-03; and 21-04. These Orders changed Court procedures

1 to minimize person-to-person contact and mitigate the risk associated with the COVID-19
2 pandemic, while continuing to provide essential Court services.

3 This order continues the District Court’s response to the COVID-19 pandemic. For
4 purposes of clarity and to avoid confusion, this order only modifies the mask requirements found
5 in AO 21-04 under the following section—Mandatory Face Coverings for Those Who are
6 Unvaccinated, in Courtrooms, in Jury Assembly and Other Designated Areas. For all other
7 purposes, Administrative Order 21-04 remains the operative order regarding all court operations
8 in response to COVID-19.

8 **Mandatory Face Coverings**

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

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

20 All attorneys, vendors, and employees of any organization or entity who work in a Court
21 facility must cover their noses and mouths with face coverings while in any common areas of the
22 facilities. Common areas include, but are not limited to, security screening, lobby areas, public
23 elevators, employee elevators, shared back hallways, public restrooms and courtrooms. This
24 includes, but is not limited to, employees of Las Vegas Justice Court, Legal Aid Self-Help
25 Centers, Clark County Clerk’s Main Office, Clark County District Attorney’s Office, Clark
26 County Public Defender’s Office, Clark County Department of Juvenile Justice Services, Clark
27 County Department of Family Services, and contract counsel. Employees of other organizations
28 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 Children under the age of two and individuals who are unable to remove the face
2 covering without assistance do not have to comply with the above-referenced face covering
3 directives. Individuals who are unable to wear a face covering should make arrangements to
4 appear by alternative means.

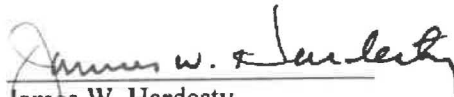
5 Face coverings must cover the nose and mouth at all times. Face coverings with vents,
6 bandanas, or face coverings made out of mesh are not permitted. Face shields may be worn with
7 a mask as added protection, but may not be worn alone. Face coverings must be worn regardless
8 of vaccination status.

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

11 Dated this 19th day of July, 2021

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14 **63A 17E EB8D 3DF1**
15 **Linda Marie Bell**
16 **District Court Judge**

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19 **James W. Hardesty**
20 **Chief Justice**
21 **Nevada Supreme Court**