

**FILED**

JAN 12 2022

*Thomas A. Spitzer*  
CLERK OF COURT

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

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

Administrative Order: 22-02

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

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

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

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

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

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

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

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

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

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

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

5 The Eighth Judicial District Court is committed to conducting jury trials safely, timely,  
6 and in an efficient manner. See In re Jury Trial Settings, Continuances, Calendar Call And Civil

7 Reassignment Calendar, Admin. Ord. 21-09 (Dec. 30, 2021),

8 [http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-04_03_59_57_administrative%20order%2021-09.pdf)

9 [04\\_03\\_59\\_57\\_administrative%20order%2021-09.pdf](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-04_03_59_57_administrative%20order%2021-09.pdf). With the recent surge in COVID-19 cases

10 in Clark County, it has become challenging for the court to complete lengthy jury trials. The

11 disruption of trials raises concerns about potential mistrials, increased cost to litigants, and

12 unnecessary inconvenience to jurors. At the same time, the Court is aware of the importance of

13 continuing to conduct trials when possible. Therefore, jury trials that are expected to take longer

14 than a calendar week are paused for 30 days from the date this order is filed. Jury trials that can

15 be completed within a calendar week should move forward under the COVID-19 Jury Trial Plan

16 and AO 21-09.

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

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

Dated this 12th day of January, 2022

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

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