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## EIGHTH JUDICIAL DISTRICT COURT CLARK COUNTY, NEVADA

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

Administrative Order: 21-03

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 Centers 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." <u>Galloway v. Truesdell</u>, 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 timely 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. On an emergency basis, the District Court entered Administrative Orders 20-01 through 20-14; 20-16; 20-17; 20-22 through 20-24; and 21-01. 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.

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.

This order continues the District Court's response to the COVID-19 pandemic. For purposes of clarity and to avoid confusion, this order supersedes AO 20-01 through 20-13, 20-16, 20-17, 20-22, 20-23, 20-24, and 21-01. 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 upon filing.

#### 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

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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;

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(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;

(8) Perform frequent enhanced environmental cleaning of commonly touched surfaces;

(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** 

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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.

18 The Marshals Division may develop screening protocols including screening questions 19 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 20 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**

Due to restrictions on the entrants to the Court facilities and to reduce the potential for spread of infection, appearances by alternative means are required by all lawyers and litigants, in all case types with the exceptions of bench and jury trials and in-custody defendants appearing in the Lower Level Arraignment Courtroom. For trials, District Court Judges should, to the extent possible, 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. For proceedings other than trials, no in-person appearance shall be made unless the assigned District Court Judge or Hearing Master determines that there is an extraordinary circumstance requiring a personal appearance.

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 appearance is strongly preferred over other methods of appearance by alternative means, and required in criminal, dependency, and delinquency cases unless a video appearance is prevented by technological issues. Lawyers are urged to provide assistance to clients who lack the independent ability to appear by alternative means.

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 technology problems make a phone conference 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.

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#### **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 judges and 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. Face coverings with vents, bandanas, or face coverings made out of mesh are not permitted. Face shields may be worn with

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a mask as added protection, but may not be worn alone. Face coverings must be worn regardless of vaccination status.

#### 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 100 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 masks must be worn at all times by those attending the meeting. 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 and allow for maximum social distancing.

#### **GENERAL PROVISIONS**

### **Attorney Obligations**

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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.

## Limited Re-Opening of the Clerk's Office to In-Person Filing

As a result of the statewide pause, the Eighth Judicial District Court Clerk's Office has been closed to in-person services. Beginning on Monday, March 15, 2021, the Civil/Criminal Clerk's Office and the Family Clerk's Office will both be open to provide in-person services Mondays through Thursdays, 1:00 p.m. to 4:00 p.m. and on Fridays from 8:00 a.m. to 4:00 p.m. Litigants are encouraged to file electronically without a personal visit to the Clerk's Office when at all possible. For litigants who do not have the ability to electronically file documents, documents may be mailed to the following addresses:

District Court Civil/Criminal Division
Attn: Clerk's Office
Regional Justice Center
20 200 Lewis Ave.
Las Vegas, NV 89155
District Court Family Division

Attn: Clerk's Office Family Court 601 N. Pecos Rd. Las Vegas, NV 89155

Original wills may be lodged with the Clerk. The Clerk's Office shall maintain a safety protocol for clerks tasked with opening mail and handling paper documents.

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OTHER THAN MAIL AND ORIGINAL WILLS, 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 only be granted upon a showing of good cause 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, the need to handle the current backlog of cases, 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 e-mailed courtesy copies from parties due to the burden it places on the system as a result of additional storage required. District Court IT is directed to create a Secure File Transfer Protocol for each department so that departments may obtain electronic courtesy copies of larger documents. 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 March 15, 2021, so 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 deponent. See SCR Part IX-B(A) and (B) Rule 9.

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Attorneys must cooperate in the scheduling of witnesses, in 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 ended 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.

As of 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

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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.

Proposed orders sent to a department's inbox should only include a blank line for the judge's signature, e.g. \_\_\_\_\_\_\_. Signature lines do not need a date, judge's name, or judge's title. Sufficient space should be allowed above and below the signature line for the judge's signature and the electronic stamp including date, title, and name of the judge.

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 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 vacate the July 1, 2020, stay. 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 highly encouraged. In all divisions, settlement briefs and supporting exhibits must be submitted electronically. 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 at all times during the settlement conference.

In the Family Division, there are three possibilities for judicial settlement conferences: (1) the Senior Judge Settlement Conference Program (which will resume April 1, 2021); (2) the Family Division Settlement Conference Program; and (3) Senior Settlement Conferences. Settlement conferences should be requested through the assigned department.

In the Civil Division, judicial settlement conference may be set through the Civil Settlement Conference Program by contacting Department 30. 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.

In the Criminal Division, requests for settlement conferences should be submitted via email on the settlement conference form to the Chief Judge. Settlement conferences may be requested for cases where the defendant is in-custody or out-of-custody. The form must be filled out completely or the conference will not be set. In-custody criminal settlement conferences will be scheduled to take place in the Lower Level Arraignment courtroom only. 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. No jail sanctions will be imposed by any specialty court program for non-compliance. This does not

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1 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, no Specialty Court 2 participant may be placed on CCDC house arrest with the exception of felony DUI participants 3 in the first six months of the program who lack the current ability to self-pay. The Court will 4 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.

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## **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 may be by alternative means unless the District Court Judge finds that a personal appearance by an individual is necessary to conduct the proceeding. During bench

trials, all participants in the trial, including the judge and court staff, must be socially distanced or separated by Plexiglass and must wear masks at all times.

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.

The District Court will continue to follow the COVID-19 Jury Trial Plan for safely conducting jury trials. 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 or an alternate location designated by the court that allows for sufficient social distancing of the jurors. The District Court will prioritize criminal trials, beginning with criminal cases involving interstate compact issues and criminal cases in which a defendant is in custody and has invoked speedy trial rights. Civil cases will be prioritized by those with NRCP 41(e) timeline concern; cases with statutory preferences; cases with preferential trial settings and then by case age.

Panels for other courts in Clark County may also be summonsed provided that the 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.

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 were previously stayed by Governor's Directive 017 §1-2. The stay was lifted in Governor's Directive 026.

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## **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 expired 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**

Stays of residential and small business evictions and judicial foreclosures are not addressed by this order. Any change or termination of federal or local directives relating to evictions and foreclosures depend on the entity issuing the directive.

Response Time for Offers of Judgment

The tolling of time to respond to offers of judgment submitted pursuant to NRCP 68 ended July 1, 2020. After the tolling, parties had 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.

#### Subpoenas

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Attorneys no longer require advance approval from the discovery commissioner to issue subpoenas under NRCP 45. The subpoena provisions found in AO 20-17 were lifted by AO 20-22. Attorneys are reminded to notice and provide a copy of the subpoena to the other parties before service under NRCP 45(a)(4)(A). The District Court expects continued cooperation from attorneys when there are difficulties in obtaining documents due to issues arising from COVID-19.

## **Short Trial Program**

The Short Trial Program will proceed. Short Trial Judge and Participants must comply with the Eighth Judicial District Court's Jury Trial Plan. Short bench trials may proceed, preferably using alternative means to the extent possible. Due to overtime restraints, short trials must conclude by 5:00 p.m.

#### **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**

The three currently existing grand juries will continue to hear cases. The Court will begin the process of replacing the existing grand juries, beginning with the longest-serving 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 Grand Jury room, which has been marked to provide for social distancing of grand jurors, witnesses, court reporter, and attorneys. All Grand Jurors, witnesses, 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 Grand Jury room during presentments.

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 be conducted by alternative means 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 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 are strongly encouraged when possible.

## Adjudicatory Hearings

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**

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

#### Child

#### **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

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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 a.m. 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.

Original wills only may be lodged in person at the Clerk's Office.

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<sup>1</sup>**

## **Family Court and Services Complex**

#### Family Law Self-Help Center

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 provide 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. The Family Mediation Center shall develop and follow 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 will continue providing supervised visitation, supervised custody exchanges and other in-person services by appointment only. Donna's House will continue to follow 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.

<sup>1</sup> This section of the administrative order will be reviewed if the eviction moratorium is lifted.

#### **Court Appointed Special Advocate Program**

The Court Appointed Special Advocate Program may resume in-person trainings, orientations and other meetings with members 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 much business as possible by telephone or other alternative means.

#### **Regional Justice Center**

The District Court maintains responsibility for security in the RJC. In that regard, the District Court remains concerned about the number of people entering the building during business hours. Any efforts by building occupants to reduce the number of people entering the building are appreciated and the District Court remains willing to assist however possible in these efforts.

#### **Civil Law Self-Help Center**

The Civil Law Self-Help Center may begin providing in-person services on or before April 1, 2021. The Self Help Center is encouraged to continue to serve as many individuals as possible by phone, e-mail, live chat, 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: clshcinfo@lascn.org Telephone: (702) 671-3976

Before re-opening to provide services to the public, the Civil Law 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.

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1	FINAL PROVISIONS
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4	This order shall be reviewed no later than every 30 days and shall remain in effect until
5	modified or rescinded by a subsequent order.
6	Dated this 11th day of March, 2021
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9	4BB 281 C9FA 33A8
10	4BB 281 C9FA 33A8 Linda Marie Bell District Court Judge
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13	Frinced , the last
14	James W. Hardesty Chief Justice
15	Nevada Supreme Court
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	Page 28 of 28

# DISTRICT COURT EMAILS FOR DOCUMENT SUBMISSIONS

\*\*\*SUBMIT ALL DOCUMENTS AS EMAIL ATTACHMENTS IN BOTH WORD AND .PDF \*\*\* CIVIL/CRIMINAL DIVISION FAMILY DIVISION

CIVIL/CRIMINAL DIVISION			
Dept. 1	DC1Inbox@ClarkCountyCourts.us		
Dept. 2	DC2Inbox@ClarkCountyCourts.us		
Dept. 3	DC3Inbox@ClarkCountyCourts.us		
Dept. 4	DC4Inbox@ClarkCountyCourts.us		
Dept. 5	DC5Inbox@ClarkCountyCourts.us		
Dept. 6	DC6Inbox@ClarkCountyCourts.us		
Dept. 7	DC7Inbox@ClarkCountyCourts.us		
Dept. 8	DC8Inbox@ClarkCountyCourts.us		
Dept. 9	DC9Inbox@ClarkCountyCourts.us		
Dept. 10	DC10Inbox@ClarkCountyCourts.us		
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Dept. 15	DC15Inbox@ClarkCountyCourts.us		
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Dept. 29	DC29Inbox@ClarkCountyCourts.us		
Dept. 30	DC30Inbox@ClarkCountyCourts.us		
Dept. 31	DC31Inbox@ClarkCountyCourts.us		
Dept. 32	DC32Inbox@ClarkCountyCourts.us		

## Discovery

DiscoveryInbox@ClarkCountyCourts.us

## ADR

ADRInbox@ClarkCountyCourts.us

#### Probate

ProbateInbox@ClarkCountyCourts.us

Dept. A	DEPTAInbox@ClarkCountyCourts.us
Dept. B	DEPTBInbox@ClarkCountyCourts.us
Dept. C	DEPTCInbox@ClarkCountyCourts.us
Dept. D	DEPTDInbox@ClarkCountyCourts.us
Dept. E	DEPTEInbox@ClarkCountyCourts.us
Dept. F	DEPTFInbox@ClarkCountyCourts.us
Dept. G	DEPTGInbox@ClarkCountyCourts.us
Dept. H	DEPTHInbox@ClarkCountyCourts.us
Dept. I	DEPTIInbox@ClarkCountyCourts.us
Dept. J	DEPTJInbox@ClarkCountyCourts.us
Dept. K	DEPTKInbox@ClarkCountyCourts.us
Dept. L	DEPTLInbox@ClarkCountyCourts.us
Dept. M	DEPTMInbox@ClarkCountyCourts.us
Dept. N	DEPTNInbox@ClarkCountyCourts.us
Dept. O	DEPTOInbox@ClarkCountyCourts.us
Dept. P	DEPTPInbox@ClarkCountyCourts.us
Dept. Q	DEPTQInbox@ClarkCountyCourts.us
Dept. R	DEPTRInbox@ClarkCountyCourts.us
Dept. S	DEPTSInbox@ClarkCountyCourts.us
Dept. T	DEPTTInbox@ClarkCountyCourts.us
Dept. U	DEPTUInbox@ClarkCountyCourts.us
Dept. V	DEPTVInbox@ClarkCountyCourts.us
Dept. W	DEPTWInbox@ClarkCountyCourts.us
Dept. X	DEPTXInbox@ClarkCountyCourts.us
Dept. Y	DEPTYInbox@ClarkCountyCourts.us
Dept. Z	DEPTZInbox@ClarkCountyCourts.us

#### TPO

TPOInbox@ClarkCountyCourts.us

#### Child Support

ChildSupportInbox@ClarkCountyCourts.us

#### Civil Commitment

<u>CivilCommitmentInbox@ClarkCountyCourts.us</u>