

FILED

JAN 12 2022

Thomas A. Spitzer
CLERK OF COURT

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

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

Administrative Order: 22-02

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

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

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

27 On July 16, 2021, the Southern Nevada Health District recommended that both
28 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**