

FILED
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Ann & Deborah
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF
RESCINDING AO 21-05 AND AO 22-02 IN
RESPONSE TO COVID-19.

Administrative Order: 22-04

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

1 On February 10, 2022, Governor Sisolak rescinded Nevada’s mask mandate effective
2 immediately. State of Nevada, Executive Department, Declaration of Emergency, Directive 052
3 (2022). Masks are no longer required in public places. The Governor cited recent metrics
4 showing a rapid decline in COVID-19 cases, hospitalizations, a drop in COVID-19 detected in
5 wastewater, broader availability of testing, and an increase in available treatment for members of
6 the public.

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

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

25 During the COVID-19 pandemic, the District Court, in consultation with the Nevada
26 Supreme Court, concurred with the Governor and exercised its ministerial judicial powers. On
27 an emergency basis, the District Court entered Administrative Orders 20-01 through 20-14; 20-
28 16; 20-17; 20-22 through 20-24; 21-01; 21-03 through 21-05; 21-09, and 22-02. 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.

1 This order continues the District Court's response to the COVID-19 pandemic.
2 Administrative Order 21-05, which reinstated face coverings, is rescinded. And Administrative
3 Order 22-02, which paused lengthy jury trials, is rescinded. The operative Administrative Orders
4 are 21-04, as modified below, and 21-09 regarding all court operations in response to COVID-
5 19.

6 Consistent with Declaration of Emergency Directive 052, this order strikes the mask
7 requirements found in AO 21-04. District Court Administration shall monitor Nevada OSHA's
8 guidance and take appropriate action in providing a safe and healthy workplace for all our
9 employees and the public we serve. District Court Administration shall further review screening
10 protocols at the entrances of all District Court facilities and the COVID-19 Jury Trial Plan in
11 light of Emergency Directive 052.

12 Although masks are no longer required, there may be circumstances in which it is prudent
13 to wear masks, and this order does not prevent any individual from wearing a mask. And no
14 individual may be asked to remove a mask except briefly for identification purposes at trial. See,
15 e.g., In re Modifying Guardianship Procedures And Assignment Of Minor's Compromise
16 Proceedings, Admin. Ord. 22-01 (Jan. 6, 2022), [http://www.clarkcountycourts.us/res/rules-and-](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-07_09_21_57_administrative%20order%202022-01.pdf)
17 [orders/2022-01-07_09_21_57_administrative%20order%202022-01.pdf](http://www.clarkcountycourts.us/res/rules-and-orders/2022-01-07_09_21_57_administrative%20order%202022-01.pdf) (stating guardianship
18 proceedings involve vulnerable populations with underlying medical conditions).

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

Dated this 10th day of February, 2022

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22 **6F8 958 4F00 3D09**
23 **Linda Marie Bell**
24 **District Court Judge**