

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

5 IN THE ADMINISTRATIVE MATTER
6 RELATED TO EXTENDING THE “PAUSE” IN
7 RESPONSE TO COVID-19

Administrative Order: 21-01

8
9 On March 12, 2020, Governor Steve Sisolak issued a Declaration of Emergency in
10 response to the COVID-19 pandemic. The next day, March 13, 2020, the President of the
11 United States declared a nationwide emergency pursuant to Section 501(6) of the Robert
12 T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. To
13 mitigate the spread of this deadly virus, the Centers for Disease Control recommends
14 putting as much distance between people as possible and wearing face coverings.
15 Governor Sisolak, in Directive 021, also recommends social distancing and mandates the
16 wearing of face masks by employees interfacing with the public.
17

18 The Nevada Constitution provides in Article 3 § 1 that, “The powers of the
19 Government of the State of Nevada shall be divided into three separate departments,—the
20 Legislative,—the Executive and the Judicial; and no persons charged with the exercise of
21 powers properly belonging to one of these departments shall exercise any functions,
22 appertaining to either of the others, except in the cases expressly directed or permitted in
23 this constitution.” The Nevada Supreme Court has also found that “In addition to the
24 constitutionally expressed powers and functions of each Department, (the Legislative, the
25 Executive, and the Judicial) each possesses inherent and incidental powers that are
26 properly termed ministerial. Ministerial functions are methods of implementation to
27
28

1 accomplish or put into effect the basic function of each Department.” Galloway v.
2 Truesdell, 83 Nev. 13, 21, 422 P.2d 237, 243 (1967).
3

4 Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court charges
5 the Chief Judge of the Eighth Judicial District Court with various responsibilities,
6 including supervising the administrative business of the District Court, ensuring the
7 quality and continuity of Court services, supervising the Court calendar, reassigning
8 cases as convenience or necessity requires, assuring the Court’s duties are timely and
9 orderly performed, and otherwise facilitating the business of the district court.

10 Following the March 12, 2020 Declaration of Emergency, the District Court, in
11 consultation with the Nevada Supreme Court, concurred with the Governor and exercised
12 its ministerial judicial powers. Through the pandemic, the District Court entered many
13 Administrative Orders on an emergency basis. Those orders included Administrative
14 Orders 20-01 through 20-14 and 20-16. Administrative Orders 20-01 through 20-14 and
15 20-16 were superseded by Administrative Order 20-17. Administrative Order 20-17 was
16 followed with Administrative Orders 20-22, 20-23, and 20-24. These Orders changed
17 Court procedures to minimize person-to-person contact and mitigate the risk associated
18 with the COVID-19 pandemic while providing essential Court Services.
19

20 On November 24, 2020, this Court entered Administrative Order 20-24 to coincide
21 with Governor Sisolak’s statewide “pause” to mitigate the spread of COVID-19. On
22 December 14, 2020, the Governor extended the pause through January 15, 2021. On
23 January 11, 2021, the Governor extended the pause through February 15, 2021.
24 Provisions in AO 20-24 were set to expire on January 11, 2021. This order extends the
25 deadlines to February 15, 2021, except as noted below:
26
27
28

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
- (1) The essential function of grand jury proceedings will resume on January 12, 2021. All three existing grand juries will resume meeting. The Court will ensure that the grand jury can meet in a space that allows for social distancing.
 - (2) Given concerns regarding the backlog of cases and the safety considerations in the Court's trial plan, jury trials will resume February 1, 2021, with strict observation of the Court's trial plan to ensure the health and safety of all involved. To the extent possible, criminal trials will be re-set to prioritize cases based on the date on which a defendant in-custody invoked speedy trial rights. Jury trials will be an exception to the requirement of appearance by alternative means.
 - (3) In-person bench trials will also resume February 1, 2021 as long as the trial can be conducted with appropriate social distancing of all persons participating in the trial. To the extent any of the bench trial can be conducted by alternative means, that is preferred.
 - (4) Investitures of the new judges will be an exception to the prohibition on in-person meetings. The District Court, Supreme Court and Las Vegas Convention and Visitor's Authority have worked closely to ensure social distancing may be accomplished. Investitures must comply with the Governor's limitation on gathering size.

23
24
25
26
27
28

The District Court's operative orders related to the pandemic continue to be Administrative Orders 20-17 and 20-24, as amended by this Order. Notably, all court appearances are to be by alternative means, preferably video, unless the judge determines an extraordinary circumstance requires a personal appearance. Face coverings covering

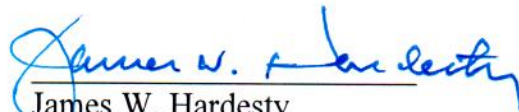
1 the nose and mouth must be worn by all persons in court facilities at all times while in the
2 workplace except while eating or drinking.
3

4 Except where otherwise noted, this Order will be reviewed every 30 days and
5 remain in effect until modified or rescinded by a subsequent order.

Dated this 12th day of January, 2021

6
7
8 

9
10 15A 3E1 138A C09B
11 Linda Marie Bell
12 District Court Judge

13 

14 James W. Hardesty
15 Chief Justice
16 Nevada Supreme Court
17
18
19
20
21
22
23
24
25
26
27
28