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**FILED**

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JACQUELINE BRYANT, CLERK

By: [Signature]  
DEPUTY CLERK

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

IN THE ADMINISTRATIVE MATTER OF:

THE SECOND JUDICIAL DISTRICT COURT'S

RESPONSE TO CORONAVIRUS DISEASE

(COVID-19)

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**ADMINISTRATIVE ORDER 2020-02(D)(1)**

**[RESUMPTION OF JURY TRIALS – CIVIL DOCKET]**

WHEREAS the Second Judicial District Court (“the District Court”) Chief Judge has authority to make administrative decisions pertaining to the business of the court (WDCR 2(2), NRS 3.025(2)(c));

WHEREAS on March 12, 2020, Governor Steve Sisolak (“Governor Sisolak”) issued a Declaration of Emergency in Nevada to facilitate response to the Coronavirus Disease (COVID-19) pandemic;

WHEREAS as the result of the Declaration of Emergency for COVID-19, Governor Sisolak issued Directives governing activities in Nevada, including a stay at home order, directives limiting the number of persons who can gather, and phases for reopening;

1 WHEREAS the Declaration of Emergency for COVID-19, and all Directives issued are  
2 available at: [gov.nv.gov/News/Emergency\\_Orders/Emergency Orders](http://gov.nv.gov/News/Emergency_Orders/Emergency_Orders) (last accessed 10/28/2020);

3 WHEREAS on March 16, 2020, Administrative Order (“AO”) 2020-02 was entered by Chief  
4 Judge Scott N. Freeman (“the Chief Judge”);

5 WHEREAS AO 2020-02 provides, “This order shall be reviewed no later than every 30 days  
6 and shall continue until modified or rescinded by a subsequent order.” AO 2020-02, p. 4;

7 WHEREAS on March 18, 2020, the Chief Judge issued AO 2020-05 which temporarily  
8 closed the courthouse to the public;

9 WHEREAS the Chief Judge continues to enter AOs as the pandemic ensues;

10 WHEREAS all issued 2020 AOs are available at [washoecourts.com/Main/AdminOrders](http://washoecourts.com/Main/AdminOrders) (last  
11 accessed 10/27/2020);

12 WHEREAS members of the bar were appointed to working groups to investigate, report and  
13 make recommendations on recommencing criminal and civil jury trials (“the WG  
14 Recommendations”). These working groups provided the District Court with significant information  
15 and assisted the District Court in refining its plan for conducting trials and the public’s return to the  
16 District Court courthouse(s) to serve as jurors and participants in jury trials with public access;

17 WHEREAS after review and consideration of the WG Recommendations, the District Court  
18 established a standing working group, comprised of members of the judiciary and members of the  
19 initial working groups, to further address resumption of jury trials (“the Standing Jury Trial WG”).  
20 The Standing Jury Trial WG, the District Court bench and Court Administration continued to develop  
21 a working plan for conducting in person jury trials during the COVID-19 pandemic;

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1           WHEREAS the District Court determined commencement of jury trials should occur on a  
2 staged basis. The identified stages, as set forth in AO 2020-02(D) are:

- 3           • Jury trials involving criminal charges asserted against in-custody defendants who have  
4           invoked their Constitutional rights to a speedy trial.
- 5           • Jury trials involving criminal charges asserted against out-of-custody defendants who  
6           have invoked their Constitutional rights to a speedy trial.
- 7           • Jury trials involving criminal charges asserted against in-custody defendants who have  
8           waived their Constitutional rights to a speedy trial.
- 9           • Jury trials involving criminal charges against out-of-custody defendants who have  
10          waived their Constitutional rights to a speedy trial.
- 11          • Jury trials involving criminal charges against out-of-custody defendants who have  
12          waived their Constitutional rights to a speedy trial.
- 13          • Jury trials involving civil claims for relief with statutory or rule-based priority.
- 14          • Jury trials involving civil claims for relief.
- 15          • Jury trials involving civil claims for relief.

16 (“Identified Stages”). AO 2020-02(D);

17           WHEREAS supplemental jury questionnaires were developed by the Standing Jury Trial WG  
18 to include inquiries, as approved by the District Court, related to serving as a juror during the  
19 COVID-19 pandemic. The Chief Judge directed the Jury Commissioner to send the supplemental  
20 questionnaire to qualified jurors and report the results;

21           WHEREAS based on the responses to the supplemental questionnaires sent to qualified  
22 potential jurors, the Chief Judge concluded jury summonses would result in a sufficient number of  
23 veniremembers appearing to empanel a jury during the COVID-19 pandemic. AO 2020-02(E), p. 5;

24           WHEREAS pursuant to its inherent authority to control its docket, the District Court  
25 developed a trial grid and established trial flights (“TF(s)”) for trials on the District Court’s criminal  
26 docket. AO 2020-02(E); and,  
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1           WHEREAS in AO 2020-02(E), the Chief Judge ordered a separate and subsequent AO would  
2 issue regarding civil jury trials.

3           **Accordingly, after review, and good cause appearing therefor, this Administrative**  
4 **Order 2020-02(D)(1) follows:**

5           This AO is intended to be consistent with the Declaration of Emergency in Nevada and to  
6 effectuate Governor Sisolak’s issued Directives resulting from the Declaration of Emergency and  
7 subsequent renewals or extensions of said Directives.

8           This AO is also intended to be consistent with the May 12, 2020, Statement from the National  
9 Council of Juvenile and Family Court Judges Regarding Safe Courts and Access to Justice During  
10 COVID-19 (“the NCJFCJ Statement”)<sup>1</sup> and AO 2020-05(A) which adopted the NCJFCJ Statement’s  
11 protective guidelines.

12           This AO is also intended to be consistent with the Center for Disease Control and Prevention  
13 (“the CDC”) guidelines to facilitate the safe return of employees and the public to courthouse(s).<sup>2</sup>

14           All provisions of prior AOs relating to The Administrative Matter of: The Second Judicial  
15 District Court’s Response to Coronavirus Disease (COVID-19) shall remain in full force and effect  
16 except as specifically modified or supplemented by this or other subsequent AOs.

17           Hearings, Settlement Conferences and Bench Trials in General Jurisdiction Civil Proceedings.

18           Due to the on-going health crisis caused by the COVID-19 pandemic, all scheduled hearings,  
19 settlement conferences and bench trials shall continue to be conducted by alternative means to in-  
20 person proceedings, or decided on the papers, or rescheduled unless otherwise provided for in AOs or  
21 otherwise directed by the Chief Judge. Hearings and settlement conferences shall be held in the  
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27 <sup>1</sup> [NCJFCJ.org/wp-content/uploads/2020/05/NCJFCJ\\_Statement\\_Regarding\\_Court\\_Safety\\_COVID-19\\_Final.pdf](https://www.ncjfcj.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-19_Final.pdf) (last accessed 10/27/2020).

28 <sup>2</sup> The CDC guidelines are available at [cdc.gov/coronavirus/2019-ncor/community/organizations](https://www.cdc.gov/coronavirus/2019-ncor/community/organizations) (last accessed 10/27/2020).

1 discretion of the presiding judge in each department by either conference call or audiovisual platform.  
2 Bench trials shall be held via audiovisual platform. All such hearings, settlement conferences and  
3 bench trials shall be conducted in accordance with the Nevada Supreme Court Rules Governing  
4 Appearance by Audiovisual Transmission Equipment, Part IX. Due to the on-going health crisis  
5 caused by the COVID-19 pandemic, in-person bench trials must be approved by the Chief Judge.  
6

7 General Jurisdiction Civil Jury Trials. The District Court developed and continues to modify  
8 The Second Judicial District Court Jury Trial COVID-19 Protocols with which all participants must  
9 comply during jury trials to reduce the risk of COVID-19 spread to the extent possible.  
10

11 Utilizing the TF model, the District Court has held three (3) jury trials in criminal proceedings  
12 since the entry of AO 2020-02(E). The jury trials were held in Department 4 which is equipped to  
13 function as a courtroom for jury trials during the COVID-19 pandemic. A second courtroom,  
14 Department 9, is now equipped to function as a courtroom for jury trials during the COVID-19  
15 pandemic. During jury trials, other courtrooms and office areas throughout the courthouse are used  
16 for jury selection, jury deliberation, jury breakrooms, and party conference and staging areas.  
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18 The District Court is pursuing modification of space and installation of equipment in other  
19 areas of the courthouse to facilitate jury trials, including Courtroom A. The District Court is also  
20 investigating and collaborating with alternative venues to hold jury trials.  
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22 One jury trial at a time will be conducted at 75 Court Street, or such other place the Chief  
23 Judge may designate, until the Chief Judge determines more than one jury trial can proceed at a time.

24 All civil jury trials scheduled to begin on or before October 31, 2020 were vacated by AO  
25 2020-02(D). The District Court is developing a TF model for civil jury trials and plans to  
26 commence civil jury trials in 2021. Meetings of the Standing Jury Trial WG will be convened to  
27 address the TF model for civil jury trials. Any TF model established during the COVID-19 pandemic  
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1 to facilitate the resumption of civil jury trials is a temporary measure.

2 To accommodate the time required to establish a model to conduct civil jury trials during the  
3 COVID-19 pandemic, **all civil jury trials scheduled to begin on or before January 4, 2021 are**  
4 **vacated.** Counsel are directed to contact the assigned department to reset the trial.  
5

6 Case types identified as “essential” in AO 2020-02 continue to have priority in the District  
7 Court, together with priority set forth in the Identified Stages. Case-by-case exceptions may be  
8 ordered at the discretion of the Chief Judge and/or in cases designated as Family Division cases, the  
9 Presiding Judge of the Family Division.  
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11 This AO shall operate to toll civil cases for purposes of NRCP 41(e).

12 This AO shall be reviewed no later than every thirty (30) days and shall continue until  
13 modified or rescinded by a subsequent order.

14 IT IS SO ORDERED.

15 DATED this 2nd day of November, 2020.  
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18 SCOTT N. FREEMAN  
19 CHIEF JUDGE  
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