



District Court Shifts Operations as Pandemic Evolves

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Due to the shutdowns at the beginning of the COVID-19 pandemic, the Eighth Judicial District Court (EJDC) has experienced a significant backlog of civil trial cases. Despite significant efforts from the court, the past six months of conducting trials has failed to decrease our backlog. This is a matter of great concern to the Eighth Judicial District Court and the Nevada Supreme Court.

To address the backlog, joint Administrative Order (AO) 21-09 was issued. However, the circumstances on the ground related to the pandemic continue to evolve. The Omicron variant has spread quickly, leading to staffing shortages. This reality necessitates constant re-evaluation as conditions change. To address the disruptions caused by Omicron, the court has shifted to doing shorter trials: those that are a calendar week or less.

Judges are still required to follow and enforce the rules for continuing trials, including making a finding of good cause for a continuance. AO 21-09 reiterates several EJDC rules with the intent to keep cases moving forward. COVID infections support a finding of good cause. A motion to continue must be supported by an affidavit, or if there is not sufficient time, supported by oral sworn testimony from the lawyer. The court will be sensitive to people's health-related concerns and consider giving them the option to file affidavits under seal when appropriate.

Trials may not be vacated by stipulation, and a motion for counsel to withdraw may not be granted if it would delay trial. If a continuance is sought because a witness is unavailable, Eighth Judicial District Court Rule (EDCR) 7.30(b) has specific information that must be presented to the court. EDCR 2.69 requires lawyers to appear at calendar call ready to go with exhibits, jury instructions, proposed voir dire questions, etc. After a trial is set at calendar call, under the administrative order, any continuance requires a written motion and a finding by the judge of extraordinary circumstances.

Also, pursuant to the order, if a case has settled, the parties must provide

a written stipulation or agree to enter the agreement in the minutes of the court. If the agreement is entered into the minutes, the judge must set a status check within 21 days to ensure the settlement documents are provided.

The order also creates a civil trial reassignment calendar. Each civil judge will set all trials ready to go during a particular trial stack, even if that means setting multiple trials for the same week. Any trials the judge cannot manage because of conflicts with other trials will be reassigned. The court will hold a calendar on 9 a.m. on Thursdays to address any trials that need reassignment for the next week. Peremptory challenges are not permitted for overflow assignments by Nevada Supreme Court rule; however, to address concerns that have previously made civil overflow unsuccessful, we will be implementing a "strike list" to allow each side some input in the reassignment process.

Some of these measures will be a significant change in practice. The Eighth Judicial District Court appreciates everyone's cooperation and patience as we work to ensure that litigants have fair and speedy resolution of their civil disputes.

AO 21-09 is available on the court's website at clarkcountycourts.us.