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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)

_____ /

ADMINISTRATIVE ORDER 2021-07

[RESUMPTION OF JURY TRIALS – CIVIL DOCKET]

[TRIAL STACK MODEL]

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”) declared a state of emergency in Nevada in response to the outbreak of the Coronavirus Disease (COVID-19);

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, phases for reopening and transfer of phase evaluation to

1 counties to permit reopening, including the latest Directive 037. [https://gov.nv.gov/News/
2 Emergency_Orders/Emergency Orders \(last visited 2/28/2021\);](https://gov.nv.gov/News/Emergency_Orders/Emergency_Orders)

3 WHEREAS this AO is intended to be consistent with the Declaration of Emergency in
4 Nevada and Governor Sisolak’s issued Directives resulting from the Declaration of Emergency and
5 subsequent renewals or extensions of said Directives (“Directives”);

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

12 WHEREAS this AO is intended to be consistent with the Center for Disease Control and
13 Prevention guidelines for COVID-19 (“CDC guidelines”);²

15 WHEREAS this AO is intended to be consistent with the Second Judicial District Court Plan
16 for Resuming Jury Trials during the COVID-19 Pandemic (“SJDC JT Plan”)³;

17 WHEREAS the SJDC recommenced jury trials on September 21, 2020. On that date, Washoe
18 County reported 1,221 active COVID-19 cases and 85.9 as the seven-day moving daily average for
19 new COVID-19 positive cases. [https://gis.washoecounty.us/
20 agolHost?id=COVID19Dashboard](https://gis.washoecounty.us/agolHost?id=COVID19Dashboard)
(visited 9/21/2020);

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25 _____
26 ¹ NCJFCJ.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-
19_Final.pdf (last visited 10/27/2020).

27 ² The CDC guidelines are available at [cdc.gov/coronavirus/2019-ncor/community/organizations](https://www.cdc.gov/coronavirus/2019-ncor/community/organizations) (last visited
28 2/26/2020).

³ The Directives, NCJFCJ Statement, CDC guidelines, and the SJDC JT Plan are collectively referred to as
“Directives and Guidelines.”

1 WHEREAS as of February 28, 2021, Washoe County reported 4,262 active COVID-19 cases
2 and 42.6 as the seven-day moving daily average for new COVID-19 positive cases.

3 <https://gis.washoecounty.us/agolHost?id=COVID19Dashboard> (last visited 3/01/2021);

4
5 WHEREAS the COVID-19 Vaccination Program Nevada’s Playbook for Statewide
6 Operations V3, last updated January 12, 2021, establishes a strategy for distribution and
7 administration of vaccines, a phased approach to COVID-19 vaccination and prioritization lanes for
8 individuals to receive the COVID-19 vaccine. [https://nvhealthresponse.nv.gov/wp-](https://nvhealthresponse.nv.gov/wp-content/uploads/2021/01/NEVADA-19-VACCINE-PLAYBOOK-V3-1.pdf)
9 [content/uploads/2021/01/NEVADA-19-VACCINE-PLAYBOOK-V3-1.pdf](https://nvhealthresponse.nv.gov/wp-content/uploads/2021/01/NEVADA-19-VACCINE-PLAYBOOK-V3-1.pdf) (last visited 2/26/2021);

10
11 WHEREAS as of February 28, 2021, the Regional Information Center for Washoe County
12 reported 95,851 (of which 37,045 are second doses) COVID-19 vaccine doses have been
13 administered. [https://washoelife.washoecounty.us/news/weekly-covid19-vaccine-community-](https://washoelife.washoecounty.us/news/weekly-covid19-vaccine-community-newsletter-feb-5-a8ba-e1546.html)
14 [newsletter-feb-5-a8ba-e1546.html](https://washoelife.washoecounty.us/news/weekly-covid19-vaccine-community-newsletter-feb-5-a8ba-e1546.html) (last visited 3/01/2021);

15
16 WHEREAS the Chief Judge continues to enter Administrative Orders (“AO(s)”) on court
17 matters as the COVID-19 pandemic ensues. All AOs are available at [washoecourts.com/](http://washoecourts.com/Main/AdminOrders)
18 [Main/AdminOrders](http://washoecourts.com/Main/AdminOrders) (last visited 2/28/2021);

19 WHEREAS the District Court determined commencing and conducting jury trials should
20 occur on a staged basis. The identified stages, as set forth in AO 2020-02(D) are:

- 21
- 22 • Jury trials involving criminal charges asserted against in-custody defendants who have
23 invoked their Constitutional rights to a speedy trial.
 - 24 • Jury trials involving criminal charges asserted against out-of-custody defendants who
25 have invoked their Constitutional rights to a speedy trial.
 - 26 • Jury trials involving criminal charges asserted against in-custody defendants who have
27 waived their Constitutional rights to a speedy trial.
- 28

- 1 • Jury trials involving criminal charges against out-of-custody defendants who have
- 2 waived their Constitutional rights to a speedy trial.
- 3
- 4 • Jury trials involving civil claims for relief with statutory or rule-based priority.
- 5 • Jury trials involving civil claims for relief.

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

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

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

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

23 WHEREAS pursuant to its inherent authority to control its docket, in collaboration with the
24 Jury Trial Working Group, the SJDC developed a Trial Stack (“TS”) model for civil trials during the
25 COVID-19 pandemic and recovery;
26

27 WHEREAS by prior AOs, the Chief Judge vacated criminal and civil jury trials through April
28 4, 2021;

1 WHEREAS pursuant to AO 2021-05, the SJDC, including the General Jurisdiction 75 Court
2 Street facility and the Family Division 1 S. Sierra facility, will remain temporarily closed, entrance
3 will be limited through April 4, 2021. Court personnel continue to work remotely and in person
4 adhering to Directives and Guidelines;
5

6 WHEREAS Trial Flight 8 (Criminal) is set to commence April 5, 2021; and,

7 WHEREAS TS 1 (Civil) is set to commence April 6, 2021.

8 **Accordingly, and good cause appearing therefor, this Administrative Order 2021-07**

9 **follows:**

10
11 The TS model established during the COVID-19 pandemic to facilitate the resumption of civil
12 jury trials is a temporary measure. Civil Jury Trials will be conducted pursuant to the TS Model as
13 follows, until and unless the Chief Judge orders civil jury trials will be conducted under the Assigned
14 Department model again.
15

16 **I. CIVIL JURY TRIAL HEALTH AND SAFETY.**

17 A. The SJDC JT Plan and protocols have been reviewed, amended, and expanded with
18 each trial. All participants must comply with the SJDC JT Plan in order to reduce the risk of
19 COVID-19 spread to the extent possible. The SJDC JT Plan is available to counsel and is posted on
20 the SJDC website.
21

22 B. Trials will continue to be conducted pursuant to the Directives and Guidelines.

23 **II. COURTROOM FACILITIES AND VENUES.**

24 A. Courtrooms and court spaces that are now available or may be available for civil jury
25 trials include:

26 1. Department 4

27 2. Department 9
28

- 1 3. Courtroom A
- 2 4. Complex Litigation Courtroom (Former Filing Office) (“CLC”)
- 3 5. Judicial College

4
5 B. In order to comply with the Directives and Guidelines, jury selection may occur in
6 different court space(s) than the trial. In addition, audio/visual transmission within the courtrooms
7 and court spaces may be utilized to join groups separated by physical space to accommodate social
8 distancing requirements, i.e., if a court space cannot accommodate all jury veniremembers, multiple
9 spaces may be used and will be joined via audio/transmission to courtroom monitors.

10
11 C. Courtroom assignments for civil jury trials will affect availability of other courtrooms
12 for other proceedings. During jury trials, other courtrooms and office areas throughout the
13 courthouse are used for jury selection, jury deliberation, jury breakrooms, and conference and staging
14 areas.

15
16 **III. TRIAL GRIDS AND TRIAL STACK MODEL FOR IN-PERSON CIVIL
17 JURY TRIALS.**

18 A. Civil jury trials will commence on Tuesdays, or such other day as the Chief Judge
19 may designate, in order to accommodate the Jury Commissioner and limit the number of
20 veniremembers in the courthouse while still giving the opportunity to utilize the veniremembers
21 called for criminal trials on Mondays.

22 B. At this time, the SJDC intends to commence civil jury trials in TS 1 on Tuesday, April
23 6, 2021.

24
25 C. Pursuant to AO 2020-02(E), the SJDC established a trial grid and TSs for trials on the
26 SJDC’s civil docket. All trials set in the SJDC have been compiled on the master civil trial grid and
27 trials have been and will be assigned to TSs. TSs are set in four (4) week intervals. TSs will be set
28 through 2022.

1 D. Once assigned to a TS and published by AO, counsel will be notified they have ten
2 (10) days to notify the Assigned Department if they want to opt-out of the TS assigned (“opt-out”). If
3 counsel does not stipulate to opt-out, a motion must be filed and granted to change the TS
4 assignment.
5

6 E. The SJDC IT Department and the Jury Commissioner will work to establish a Civil
7 Jury Trial tab on the SJDC website reflecting the trials assigned to and set in TSs. The Civil Jury
8 Trial tab will be updated at feasible intervals as determined by the SJDC.
9

10 F. Once all set cases have been assigned to TSs, trial settings will occur by setting trials
11 with the Jury Commissioner on a TS date and will not be set on individual calendars in the
12 department. Trials will be set within one (1) year. Court approval is required to set a trial out more
13 than one (1) year. The Jury Commissioner will notify the Assigned Department a trial has been set to
14 facilitate entry of the Uniform Pre-trial Order and/or scheduling orders and hearings by the Assigned
15 Department.
16

17 G. Once TSs are established, status hearing dates will be set in the Assigned Department
18 approximately ninety (90) days⁴ prior to the TS to confirm the parties have participated in a
19 settlement conference or private mediation.
20

21 H. Cases in TSs will be prioritized within the TS approximately eight (8) weeks prior to
22 the next TS date, with a shortened prioritization time period prior for TS 1 and TS 2. The Court will
23 prioritize the cases within the TSs based on factors, including but not limited to the following:

24 1. If preferential setting granted or is statutorily required (e.g., party age, eviction,
25 liens, eminent domain).

26 2. Settlement conference or mediation has occurred.
27

28

⁴ For TSs 1, 2, and 3, the timelines and events set forth herein will be condensed and held according to the Assigned Department’s calendar already set or to be set.

1
2 3. Age of matter (considering date filed, whether proceeded in arbitration, when
3 at issue).

4
5 4. Whether the case has been transferred from a prior TS involuntarily.

6 5. Matters which should proceed in the interests of justice.

7 6. Initially, when establishing the TSs, all first sets will be ranked, then second
8 sets, then third sets.

9 An abbreviated AO will issue setting the prioritization within each TS.

10
11 I. A motion to continue which is granted or order on stipulation equates to “opting out”
12 of a TS and the trial will be reset to occur in a new TS within one (1) year.

13 J. The Assigned Department will set a civil jury trial Final Calendar Call to confirm case
14 is ready to proceed not less than twenty-eight (28) days before TS to confirm counsel intend to
15 proceed with trial.

16
17 K. Based on the Identified Stages and available court venues, trials will proceed by
18 prioritization order within the TS.

19 L. If at any time counsel choose to stipulate to “opt-out” or opt-out out by granted
20 motion, they must reset the matter on a future TS until Assigned Department trial calendars resume.
21 If counsel opt-out, the case will be set on a future TS in the last priority.

22
23 M. If the trial is confirmed at the Final Calendar Call but the trial cannot be conducted
24 within the set TS due to courtroom availability or other involuntary reason (“involuntary bump”),
25 counsel will be directed to contact the Jury Commissioner and reset the matter on a future TS, the
26 prioritization of which will be determined taking the involuntary bump into consideration.

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1 N. If the trial is confirmed at the Final Calendar Call and can be conducted within the set
2 TS, for any trial commencing after the first trial, counsel will be given not less than three (3) days'
3 notice of first day of their trial.
4

5 O. The Assigned Department will decide all pre-trial motions. If the Assigned
6 Department is not available to hear the trial, alternate departments will be polled for availability to
7 hear the trial.

8 P. The TS numerical designation, the date of first day of the TS, the approximate status
9 hearing date, the approximate date the prioritization AO will issue, and the approximate Final
10 Calendar Call date are:
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TRIAL STACK NUMBER	FIRST DAY OF TRIAL STACK	APPROXIMATE STATUS HEARING DATE ⁵	APPROXIMATE DATE PRIORITIZATION AO ENTERS ⁶	APPROXIMATE FINAL CALENDAR CALL DATE ⁷
TS1	4/6/21	--	--	--
TS2	5/4/21	--	3/5/21	4/2/21
TS3	6/2/21	--	4/2/21	4/30/21
TS4	6/29/21	4/2/21	4/30/21	5/28/21
TS5	7/27/21	4/28/21	5/28/21	6/25/21
TS6	8/24/21	5/28/21	6/25/21	7/23/21
TS7	9/21/21	6/25/21	7/23/21	8/20/21
TS8	10/19/21	7/23/21	8/20/21	9/17/21
TS9	11/16/21	8/20/21	9/17/21	10/15/21
TS10	12/14/21	9/17/21	10/15/21	11/12/21
TS11	1/11/22	10/15/21	11/12/21	12/10/21
TS12	2/8/22	11/12/21	12/10/21	1/7/22
TS13	3/8/22	12/10/21	1/7/22	2/4/22
TS14	4/5/22	1/7/22	2/4/22	3/4/22
TS15	5/3/22	2/4/22	3/4/22	4/1/22
TS16	6/1/22	3/4/22	4/2/22	4/29/22
TS17	6/28/22	4/1/22	4/29/22	5/27/22
TS18	7/26/22	4/29/22	5/27/22	6/24/22
TS19	8/23/22	5/27/22	6/24/22	7/22/22
TS20	9/20/22	6/24/22	7/22/22	8/19/22
TS21	10/18/22	7/22/22	8/19/22	9/16/22
TS22	11/15/22	8/19/22	9/16/22	10/14/22
TS23	12/13/22	9/16/22	10/14/22	11/10/22

⁵ Subsection III(G), *supra*, provides a status hearing will be held approximately ninety (90) days prior to the first day of the TS.

⁶ Subsection III(H), *supra*, provides prioritization of TS will occur approximately eight (8) weeks prior to the first day of the TS and an abbreviated AO will issue with the prioritization.

⁷ Subsection III(J), *supra*, provides the Assigned Department will set the Final Calendar Call to confirm a case is ready to proceed not less than twenty-eight (28) days before TS to confirm counsel intend to proceed with trial. The date identified in the table is thirty (30) days prior to the first day of the TS.

1 **IV. OTHER MATTERS.**

2 All provisions of prior AOs and shall remain in full force and effect except as specifically
3 modified or supplemented by this or other subsequent AOs.

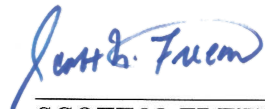
4
5 One civil jury trial at a time will be conducted at 75 Court Street, or such other place the
6 Chief Judge may designate, until the Chief Judge determines more than one civil jury trial can
7 proceed at a time.

8 Case types identified as “essential” in AO 2020-02 continue to have priority in the District
9 Court, together with priority set forth in the Identified Stages.

10
11 As the SJDC continues, through the TS model, to maximize its availability for the maximum
12 number of trials, no requests for trial dates certain will be entertained by the Chief Judge until
13 allowed by subsequent AO.

14 IT IS SO ORDERED.

15 DATED this 3rd day of March, 2021.

16
17 

18 SCOTT N. FREEMAN
19 CHIEF JUDGE