

**MOAPA JUSTICE COURT
CLARK COUNTY, NEVADA**

IN THE MATTER OF THE)
MOAPA JUSTICE)
COURT’S RESPONSE TO) **Administrative Order 20-04**
CORONAVIRUS DISEASE)
(COVID-19))

The Presiding Judge of the Moapa Justice Court has various responsibilities, such as supervising the administrative business of the Court, ensuring the quality and continuity of court services, supervising the court calendar, ensuring the court’s duties are performed in a timely and orderly manner while providing for the security of the court employees, defendants and court officers facilitating the business of the Court.

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19) and on March 15, the Moapa Justice Court also made an emergency declaration for the same reason. Given the severity of the risk posed to the public by COVID-19, and after review of orders by Supreme Court Chief Justice Kristina Pickering and the Chief Judge of the Eighth Judicial District Court, Judge Linda Bell, this Presiding Judge has determined that alterations to current court procedure are necessary for the protection of the community.

Article 3, Section 1 of the Nevada Constitution provides that, “The powers of the Government of the State of Nevada shall be divided into three separate departments, the Legislative, the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these

departments shall exercise any functions appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.” “In addition to the constitutionally expressed powers and functions of each Department, each (the Legislative, the Executive, and the Judicial) possesses inherent and incidental powers that are properly termed ministerial. Ministerial functions are methods of implementation to accomplish or put into effect the basic function of each Department”. *Galloway v. Truesdell*, 83 NEV 13, 21, 422 P.2d 234, 237 (1967).

Following the March 12, 2020, Declaration of Emergency, this court exercised its ministerial judicial power and entered, on an emergency basis, Administrative Orders Nos. 20-01, 20-02, 20-03. These orders changed court procedures so as to minimize person to person contact and mitigate the risk associated with COVID-19 pandemic, while continuing to provide for essential services. “The Orders specify that they “shall be reviewed no later than every 30 days and shall continue until modified or rescinded by subsequent order.”

On March 31, 2020, Governor Sisolak entered Declaration of Emergency Directive 010, which directs Nevadans to stay home except to seek or provide essential services. Directive 010 extends the declared emergency through April 30, 2020. Consistent with this Directive and its original Orders, the COURT NAME has reviewed Administrative Order Nos. 20-01, 20-02, 20-03 and, after consideration of the 8th Judicial District Court order 20-13, orders as follows;

GENERAL PROVISIONS

1. Continuity: Except as provided below, AO Nos. 20-01, 20-02 will remain in effect and all 30–day deadlines in AO Nos. 20-01, 20-02,

20-03, will be extended until this order expires, is modified or is rescinded by subsequent order.

2. Attorney Obligations: Attorneys, including the Clark County District Attorney's office, as officers of the court, have ethical obligations for cooperative civility under normal circumstances. This Court, under the present emergency, reminds attorneys, including the Clark County District Attorney's office, that they have an obligation to be cooperative with courts and with each other as we all navigate these challenging circumstances. This is not the time to press for unwarranted tactical advantages, unreasonably deny continuances or other accommodations, or otherwise take advantage of challenges presented due to the current pandemic. Lawyers, including the Clark County District Attorney's office, are expected to be civil, professional and understanding of their colleagues, parties and witnesses who are ill or otherwise unable to meet obligations because of the current restrictions. The Rural Justice Courts have provided for social distancing for all Court Officers and are fully equipped to provide video conferencing. In light of this information, this order is notification to Attorneys, including the Clark County District Attorney's office, to file cases in the Moapa Justice Court.
3. Jury Trials Suspended: Jury trials remain suspended and no jurors will be summonsed. Trials will be rescheduled as the court calendar allows, beginning six weeks after this order expires, is

modified or rescinded. Priority will be given to in-custody defendants who have invoked their speedy trial rights. As the court looks toward resuming trials at some point in the future, the health and safety of jurors will be a priority. To that end, Jury Services has been directed by the Chief Judge of the 8th Judicial Court to develop alternative procedures.

4. Issuance of Summons and Certified Copies: Summonses and certified copies shall be issued by the Court. The Court recognizes that accomplishing personal service of process may pose significant challenges at this time, given the closure of non-essential businesses and stay-at-home directives. Properly documented service issues related to the COVID19 pandemic constitute good cause for the extension of time for service pursuant to JCRCP 4(I), whether the motion is made before or after the 120-day service period.
5. Filings: Filings will be sent to the Moapa Justice Court to the email address, MoapaJusticeCourt@clarkcountynv.gov. The document will need to be in a Word Document or PDF file format. In the subject line of the email include the Case name, Case Number and type of filing. In the limited circumstance where a self-represented litigant does not have an email address, the Rural Court Administration office is directed to assist the self-represented litigant in creating an email address. One filing per email with no additional arguments or comments in the body of the email.

6. Documents Requiring Signature: All documents requiring the signature of another person require the submitting party to obtain email verification of the other person's agreement to sign electronically. The email must be embedded in the body of the document or attached as the last page of the submitted document.

CIVIL

7. Extensions of Time Deadlines: Pursuant to JCRCP 6, the Court recognizes the COVID19 emergency as constituting "good cause" and "excusable neglect" warranting the extension of time in non-essential civil case types.

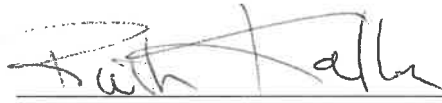
CRIMINAL

8. Guilty Plea Agreements: Guilty pleas and other documents that cannot be physically signed by the defendant must have the specific language: "Signature affixed by (insert name of the defense counsel) at the direction of (insert name of the defendant)." Defense counsel should then sign their client's name on the signature line for the defendant.
9. Out-of-custody matters: Out of custody criminal guilty pleas and sentencings may proceed by alternative means at the discretion of the Justice of the Peace, keeping in mind the current limited time schedules for handling criminal cases.

FINAL PROVISIONS

10. Duration: This order shall be reviewed no later than every 30 days and shall remain in effect until thirty (30) days following the expiration of the March 12, 2020 Governor's Emergency Declaration or until modified or rescinded by a subsequent order, whichever occurs first.

Dated this 20 day of April, 2020.

A handwritten signature in black ink, appearing to read "Ruth Kolhoss", written over a horizontal line.

Ruth Kolhoss, Justice of the Peace