

IN THE 11TH JUDICIAL DISTRICT OF THE STATE OF NEBRASKA

IN RE: TEMPORARY)
PROCEDURES AND) GENERAL ORDER 21-1
COURTROOM OPERATIONS)
IN RESPONSE TO THE COVID-19) ORDER ESTABLISHING PROCEDURES
PANDEMIC) FOR IN-PERSON AND REMOTE COURT
) PROCEEDINGS FOR DISTRICT COURTS

The state of emergency in Nebraska due to the COVID-19 pandemic continues and the Nebraska Supreme Court's November 6, 2020 administrative order remains in effect. Such order determined the pandemic conditions in the state require "precautions to limit the spread of COVID-19" and advised judges in each judicial district to devise a uniform plan of measures designed to limit the transmission of COVID-19 to court staff, litigants, attorneys, and other participants including prospective jurors.

As of the date of this order, the directed health measures in effect for the counties with the largest populations in the 11th Judicial District, i.e., Dawson, Lincoln, Keith, and Red Willow counties provided that gatherings are limited to no more than ten persons, including staff, in a single space at the same time. The Centers for Disease Control and Prevention and the University of Nebraska Medical Center are requiring the wearing of face coverings at all federal and University of Nebraska Medical Center facilities and are strongly recommending the wearing of face coverings in all other locations. The "risk dials" published by the public health departments in Lincoln and Dawson Counties were in the severe category for Lincoln County¹ and in the elevated risk category for Dawson County.² Red Willow County was reporting 54.6 new cases per 100,000 population with a positive test rate of 27.1 percent, which values are in the top ten highest numbers for the state.³

Therefore, it is ordered:

¹ <https://public.tableau.com/profile/sydney.keller5172#!/vizhome/WestCentralDistrictHealthDepartmentCOVID-19Dashboard/CaseInformation> (last accessed January 21, 2021).

² <https://www.trphd.org/resources/district-risk-assessment.html> (last accessed January 21, 2021).

³ https://covidactnow.org/us/nebraska-ne/county/red_willow_county/?s=1531479 (last accessed January 21, 2021).

1. On February 1, 2021, all General Orders issued in 2020 for district courts concerning the COVID-19 pandemic are superseded by this order.

2. On and after February 1, 2021, all civil and criminal cases scheduled for in-person proceedings in the district courts, i.e., hearings, jury trials, and trials to the court shall proceed as scheduled under the following requirements:

a. If an attorney, litigant, or witness, due to the risks posed by the COVID-19 pandemic, illness, or other concern related to the health of themselves or the health of the community, cannot or does not want to attend an in-person proceeding, such person may request permission to appear remotely via synchronous audio and video connection via Google Meet, Zoom, or WebEx.

b. All persons in attendance at any in-person court proceeding, including observers in the gallery, must:

(1) Wear a face covering which covers the mouth and nose;

(2) Maintain a distance of six feet from all other persons in the courtroom; and,

(3) Wash or sanitize their hands upon entry or immediately before entering the courtroom.

c. Except for jury trials, no more than ten persons, including court personnel shall be permitted in the courtroom at one time.

d. Jury trials may only be conducted if the space in the courtroom permits the observation of personal distancing of six feet and the air circulation system therein provides regular exchanges of fresh air.

3. If any lawyer, litigant, or witness requires or requests attendance by remote synchronous audio and video connection, the lawyer or self-represented litigant for themselves, or the prospective witness shall: a) make a written request therefor and give notice of such request not

less than five business days before the court proceeding by email or phone call to the court's bailiff and by email, text message, or U.S. Mail to all other parties and counsel not less than five business days before the court proceeding; b) provide the bailiff with an email address to be used for the remote audio and video connection.

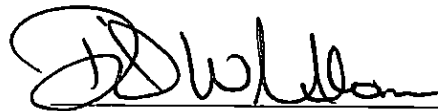
4. Any objection to the examination of a witness by telephonic or audio and video conferencing shall be made under Neb. Rev. Stat. § 24-734(5)(c) and the objection shall be in writing and filed and served not less than three (3) business days before the court proceeding at which the witness is to testify. Service of the objection shall be by email, text messages, U.S. Mail, or by other method most likely to provide the opposing party with not less than two (2) business days' notice of the objection.

5. Any evidence in the form of photographs, documents, or other physical things to be relied upon or offered at any court proceeding conducted in part or whole by remote synchronous audio and video connection shall be delivered to the court reporter, all attorneys, and all self-represented litigants not less than two (2) business days before the proceeding.

6. The district courts of the 11th Judicial District may vacate, extend, or amend this order as local circumstances may require on or after the date hereof.

Dated this 26 day of January 2021.

BY THE COURT:



DAVID W. URBOM,
Presiding District Judge