

IN THE FIRST JUDICIAL DISTRICT OF THE STATE OF NEBRASKA

IN RE: TEMPORARY PROCEDURES AND ) GENERAL ORDER 20-2  
COURTROOM OPERATIONS IN RESPONSE )  
TO THE COVID-19 PANDEMIC )

The state of emergency in Nebraska due to the COVID-19 pandemic continues and in response thereto, the Chief Justice of the Nebraska Supreme Court issue an Administrative Order on November 6, 2020. Such order determined the pandemic conditions in the state require “precautions to limit the spread of COVID-19” and the order 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, attorney and other participants including prospective jurors.

It is therefore ORDERED:

1. Any attorney or party shall promptly notify opposing counsel and the court if they reasonably suspect that a participant in any scheduled hearing, trial, conference, deposition, or other proceeding may come within any of the following categories:
  - a. A participant who has tested positive for or has had close contact with anyone who has tested positive for COVID-19 within 14 days of any scheduled court proceeding. Close contact means that the participant has been within six (6) feet of the person who tested positive for COVID-19 for at least fifteen (15) minutes;
  - b. A participant who has been asked to isolate or self-quarantine by any health care provider or public official;
  - c. A participant who is exhibiting symptoms of an infectious respiratory illness, which includes a fever of 100.4 degrees Fahrenheit or above, cough, shortness of breath, loss of taste or smell, or body aches or who has been within close contact with anyone experiencing said symptoms unless that person has tested negative for COVID-19 or received an alternative diagnosis. Close contact means that the participant has been within six (6) feet of the person who is exhibiting symptoms for at least fifteen (15) minutes.
2. To the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they come within any of the above categories.
3. No person who falls within any of those categories shall attend in person any hearing, trial, conference, deposition, or other proceeding without prior notification to, and authorization from the court.
4. Web-based technology for routine matters, such as docket calls, arraignments, pleas, sentencings (at the Judge’s discretion) and temporary hearings in family law cases, will be used. Nebr. Rev. Stat. 29-4202 et seq. will be followed. Other evidentiary hearings will be heard in person or via webcam at the discretion of the court. Continuances will be liberally granted. Counsel will forward to the court’s bailiff the email addresses of parties and any evidence to be offered at least 48 hours prior to the commencement of any hearing.

5. All civil and criminal cases scheduled for a trial to the court or a jury trial, to commence on or before December 31, 2020 before any district judge in the First Judicial District of the State of Nebraska, are continued pending further order of the courts.
6. With respect to trials to the court and jury trials in criminal cases, due to the increasing rate of COVID-19 infections, the necessity to adhere to public health recommendations concerning court operations, the courts' inability to safely summon, assemble and retain an adequate cross-section of jurors, as well as the inability to safely protect litigants, attorneys, witnesses and other participants in judicial proceedings, the district courts find that the interests of public safety and the protection of court personnel, litigants, attorneys, jurors and the community from the spread of the virus, constitute good cause for the period of delay resulting from such continuances.
7. In-person proceedings in civil cases scheduled to commence on or before December 31, 2020, before any district judge in the First Judicial District of Nebraska are continued pending further order of the court in each county.
8. Waiver of arraignments is encouraged under Neb. Rev. Stat. 29-4206.
9. Each Clerk of the District Court will make arrangements to allow individuals who do not have technology to appear in court personally, and participate by videoconference.
10. The court will liberally grant requests to appear by videoconference.
11. Masks, gloves, and hand sanitizer will be provided. All individuals in the courtroom shall be required to wear a mask and remain at least six feet from any individual not in that person's household unless the judge makes an exception for good cause shown.
12. Each individual judge in the First Judicial District retains discretion to deviate from this General Order.

Dated this 4<sup>th</sup> day of December, 2020.

**IT IS SO ORDERED.**

**BY THE COURT.**



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Rick Schreiner,  
Presiding District Judge