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**MEMORANDUM**

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**TO:** PARTIES, ATTORNEYS, AND PUBLIC APPEARING IN THE COUNTY COURTS OF THE 8TH JUDICIAL DISTRICT

**FROM:** KALE B. BURDICK, PRESIDING COUNTY JUDGE

**SUBJECT:** PRECAUTIONS BEING TAKEN FOR IN-PERSON COURT PROCEEDINGS

**DATE:** MAY 12, 2020

**CC:** COREY STEEL, STATE COURT ADMINISTRATOR

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While the county courts of the 8th Judicial District have remained open during the COVID-19 pandemic, in-person court proceedings have been extremely limited. As businesses and government offices begin to reopen or increase public access, the courts will also begin scheduling more in-person proceedings. In doing so, we will keep public health and safety at the forefront of our decision-making.

We realize that the threat to public health will vary throughout our sprawling judicial district with COVID-19 being present in some counties and not others. As such, decisions regarding when and how to conduct in-person court proceedings will be made on a county-by-county or case-by-case basis. As we continue to modify our procedures in light of changing circumstances, you should not assume that your case has been postponed or rescheduled, or that you do not need to appear. If you have cases scheduled, please maintain contact with the court staff to stay aware of any changes.

There are steps the courts will be taking to protect the health and safety of parties and counsel who are appearing for in-person proceedings, and we ask for your assistance and cooperation with our efforts. If you are scheduled for an in-person proceeding, we ask you to take the following precautions:

- Comply with the Nebraska Supreme Court's administrative orders entered March 12, 2020 and April 6, 2020 in case number S-20-247 (attached).
- If you or your client have tested positive for COVID-19, are experiencing symptoms of COVID-19, reside in or have traveled to areas of Nebraska or the United States impacted by COVID-19, have traveled outside of the United States, or have had contact with COVID-19 patients, please call the court prior to your appearance and notify staff of the circumstances.
- **Meet with your attorney/client to discuss your case prior to arriving at the courthouse.** Attorney/client meetings should not occur in the common areas of the courthouse, and will not be allowed in the court offices.
- Limit your time and contacts within the courthouse.

Many of the courthouses in our judicial district have limited public access. These limitations have been imposed by county boards or other county officials, not by the courts. However,

access to courtrooms and court offices within the courthouses may also be limited. Prior to entering a courthouse, court office, or courtroom, you may be screened to determine whether your presence would pose a health risk. These screenings may include a series of questions related to your health, travel, or contact with COVID-19 patients, as well as having your temperature taken. If you would be deemed to pose a health risk, your access to the building, office, or courtroom may be denied and your case may be postponed to a later date. Limited access to courtrooms and court offices include:

- Courtroom access will be limited to 10 people in the courtroom at any given time (including parties, attorneys, witnesses, court staff, and judge). Exceptions may be made when necessary, but will be considered on a case-by-case basis.
- Six (6) feet of separation shall be maintained between all persons within the courtroom, where feasible.
- Court staff may limit the number of people allowed in the court office at any given time.
- Six (6) feet of separation shall be maintained between all persons within the court office, where feasible, and while waiting to access court services.

Our courts are taking steps to acquire face masks, hand sanitizer, and gloves for use during in-person court proceedings. These items may be requested from court staff, and will be provided to necessary parties, attorneys, and witnesses if available.

Thank you for your assistance and cooperation throughout these unusual times. If you have any questions, please contact the appropriate court office.

Blaine County Court – (308) 547-2222

Boyd/Rock County Court – (402) 760-2900 (court cell phone)

Brown/Keya Paha County Court – (402) 387-2864

Cherry County Court – (402) 376-2590

Custer/Loup County Court – (308) 872-5761

Garfield/Greeley/Valley/Wheeler County Court – (308) 215-0392 (court cell phone)

Holt County Court – (402) 336-1662

Howard County Court – (308) 754-4192

Sherman County Court – (308) 745-1513

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

IN RE NOVEL CORONAVIRUS )  
AND COVID-19 DISEASE ) ADMINISTRATIVE ORDER  
) OF THE CHIEF JUSTICE OF  
) THE NEBRASKA SUPREME COURT  
)

The Court is carefully monitoring the evolving circumstances presented by the spread of the novel coronavirus and the COVID-19 disease. Pursuant to the authority vested in the Chief Justice of the Nebraska Supreme Court under Neb. Const. art. V, § 1 and Neb. Rev. Stat. § 25-2221, the following general administrative order regarding procedures of the judicial branch with respect to the novel Coronavirus and COVID-19 disease is required for the following reasons:

WHEREAS, a public health emergency has been declared in the United States, and guidance from public health officials suggests that one of the most effective ways to protect against the spread of this disease is to limit exposure, particularly to persons at higher risk of developing serious COVID-19 illness;

WHEREAS, conditions in the State of Nebraska at this time do not warrant limiting court or probation operations. However, this order may be updated as conditions change;

IT IS THEREFORE ORDERED, that persons who have an elevated risk of transmitting the novel coronavirus that causes COVID-19, includes anyone who:

- has traveled outside the United States within 14 days of this order, or lives or has close contact with someone who has;
- Persons who have been asked to self-quarantine by any health care provider or public official;
- Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with COVID-19; or,
- Persons who are presently exhibiting the symptoms of an infectious respiratory illness, which includes fever, cough, or shortness of breath.

IT IS FURTHER ORDERED that

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 categories listed above;

2) any attorney or party shall notify the court and opposing counsel if any proceedings relating to the litigation of cases pending before the court would require travel or other actions contrary to guidance set forth by the Centers for Disease Control and Prevention or other foreign or domestic public health officials;

3) to the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they come within any of those categories;

4) no person who falls within any of those categories shall attend any hearing, trial, conference, deposition, or other proceeding without prior authorization from the court;

5) any probationer, problem solving court participant, or individual under presentence/predisposition investigation who falls within any of those categories shall notify the probation or supervision officer prior to having in-person contact and follow the officer's directives for the duration of the declared public health emergency and continue to comply with all conditions of probation or supervision unless otherwise directed.

IT IS FURTHER ORDERED that no court shall close unless or until the Chief Justice of the Nebraska Supreme Court has issued an order declaring a nonjudicial day. However, courts and probation offices shall devise and implement emergency preparedness plans to carry out mission essential functions.

Dated this 12th day of March, 2020.

BY THE COURT



Michael G. Heavican, Chief Justice

**FILED**

**APR 06 2020**

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

IN RE NOVEL CORONAVIRUS  
AND COVID-19 DISEASE

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ADMINISTRATIVE ORDER  
OF THE CHIEF JUSTICE OF  
THE NEBRASKA SUPREME COURT

NEBRASKA SUPREME COURT  
COURT APPEALS

The Court continues to carefully monitor the evolving circumstances presented by the spread of the novel coronavirus and the COVID-19 disease. Pursuant to the authority vested in the Chief Justice of the Nebraska Supreme Court under Neb. Const. art. V, § 1 and Neb. Rev. Stat. § 25-2221, the following general administrative order regarding procedures of the judicial branch with respect to the novel Coronavirus and COVID-19 disease is required for the following reasons:

WHEREAS, a public health emergency has been declared in the United States, all 93 Nebraska counties are now under the State's Directed Health Measures, and guidance from public health officials suggests that one of the most effective ways to protect against the spread of this disease is to limit exposure, particularly to persons at higher risk of developing serious COVID-19 illness;

WHEREAS, conditions in the State of Nebraska at this time do not warrant closing court or probation operations, however, this order may be updated as conditions change;

IT IS THEREFORE ORDERED that persons who have an elevated risk of transmitting the novel coronavirus that causes COVID-19 includes anyone who:

- has traveled by cruise ship or to a country listed by the Center for Disease Control as a Level 3 Travel Health Notice area within 14 days this order or within 14 days of any scheduled court proceeding, or lives with or has close contact with someone who has;
- has been asked to self-quarantine by any health care provider or public official;

- has been diagnosed with or has had contact with anyone who has been diagnosed with COVID-19; or
- is presently exhibiting the symptoms of an infectious respiratory illness, which includes fever, cough, shortness of breath, or any other symptoms as identified by the Center for Disease Control and Prevention guidelines for the COVID-19 disease.

IT IS FURTHER ORDERED that

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 categories listed above;

2) any attorney or party shall notify the court and opposing counsel if any proceedings relating to the litigation of cases pending before the court would require travel or other actions contrary to guidance set forth by the Center for Disease Control and Prevention or other foreign or domestic public health officials;

3) to the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they fall within any of the categories listed above;

4) no person who falls within any of those categories shall attend any hearing, trial, conference, deposition, or other proceeding without prior notification to and authorization from the court;

5) any probationer, problem-solving court participant, or individual under presentence/predisposition investigation who falls within any of those categories shall notify the probation or supervision officer prior to having in-person contact and follow the officer's directives for the duration of the declared public health emergency and continue to comply with all conditions of probation or supervision unless otherwise directed;

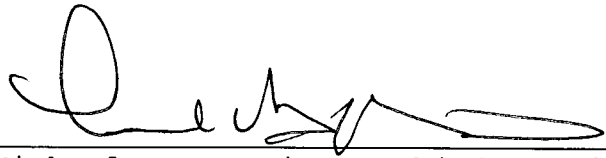
6) persons shall be familiar with all court orders and notices from the judicial district in which they have any pending matter.

IT IS FURTHER ORDERED that no court shall close unless or until the Chief Justice of the Nebraska Supreme Court has issued an order declaring a nonjudicial day. However, courts and probation offices shall continue to implement emergency preparedness plans to carry out mission essential functions.

This order shall remain in effect until otherwise ordered by the Nebraska Supreme Court.

Dated this 6th day of April, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Michael G. Heavican", written over a horizontal line.

Michael G. Heavican, Chief Justice